

Kelly Rogers
January 6, 2017

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CORNELIA NOEL
Plaintiff

v.

SHELL OIL COMPANY, SHELL
INTERNATIONAL E&P, INC.,
and DEBO OLADUNJOYE
Defendant

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CIVIL ACTION NO.
4:15-cv-01087

ORAL DEPOSITION OF
KELLY ROGERS
January 6, 2017

ORAL DEPOSITION OF KELLY ROGERS, produced as a witness and duly sworn by me at the instance of the Plaintiff, was taken in the above-styled and numbered cause on the 6th of January, 2017, from 9:53 a.m. to 1:53 p.m., before Mike R. Raska, CSR in and for the State of Texas, reported/recorded by machine shorthand, at One Shell Plaza, 910 Louisiana Street, Conference Room #48000, Houston, Texas 77002, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

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ALSO PRESENT:

Ms. Cynthia Glass Bivins
Ms. Cornelia Noel

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1 KELLY ROGERS,
2 having been first duly sworn, testified as follows:

3 EXAMINATION:

4 BY MR. AHMAD:

5 Q. State your name, please.

6 A. Kelly Rogers.

7 Q. All right. Good morning, Ms. Rogers.

8 A. Good morning.

9 Q. How are you?

10 A. Good. How are you?

11 Q. I'm good, thanks. My name is Nasim Ahmad. I'm
12 a lawyer. I represent Cornelia Noel in a lawsuit against
13 Shell, do you understand that?

14 A. Yes.

15 Q. Okay. And do you know Ms. Noel?

16 A. Not personally.

17 Q. All right. Have you ever met her before?

18 A. I don't believe so.

19 Q. Okay. But you know the name?

20 A. Yes.

21 Q. All right. Well, how do you know the name?

22 A. Based on work that I did in late 2014 and early
23 2015.

24 Q. Okay. And what kind of work was that, as it
25 applies to Ms. Noel?

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1 A. The main piece of work was creating a summary
2 document for my boss at the time.

3 Q. And who was your boss at the time?

4 A. Alyssa Snider.

5 Q. She is no longer your boss?

6 A. No.

7 Q. When did she stop becoming your boss?

8 A. July 2015.

9 Q. Who is your boss now?

10 A. Arinda Price.

11 Q. All right. And what is your job title today?

12 A. HR account manager for pipeline and chemicals.

13 Q. How long have you had that title?

14 A. Since April 2016.

15 Q. What was your title before?

16 A. HR account manager for projects and technology,
17 projects and engineering services.

18 Q. For how long did you have that title?

19 A. More or less, until April 2016. I was
20 technically an HR analyst from July 2014, when I started
21 at Shell, until about January 1st, 2015.

22 Q. Okay. And so when you prepared the summary
23 document for Ms. Snider, your title was HR analyst?

24 A. I believe so.

25 Q. Okay. And then effective January 1st, 2015 you

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1 became an HR account manager?

2 A. Yes.

3 Q. All right. And then in April of 2016 you went
4 to pipeline and chemicals?

5 A. Yes.

6 Q. Doing the same work, same duties?

7 A. Yes.

8 Q. Just for a different department?

9 A. Yes.

10 Q. Okay. All right. Have you ever testified
11 before?

12 A. No.

13 Q. All right. Tell me what you have done to
14 prepare for your testimony today.

15 A. I met with our attorney yesterday --

16 Q. Okay.

17 A. -- to discuss what to expect.

18 Q. Okay. Did you review any documents?

19 A. Yes.

20 Q. What documents did you review?

21 A. The discipline summary.

22 Q. Anything else?

23 A. The -- I don't know exactly what to call it.
24 The letter from Ms. Noel detailing some of her
25 complaints, concerns.

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1 Q. Is that the 15-, 16-page --

2 A. Yeah, the 15-page --

3 Q. -- complaint and affidavit?

4 A. Yes.

5 Q. Okay. Had you read that before?

6 A. I believe so.

7 Q. Okay. All right. Anything else that you
8 recall reviewing to prepare for your testimony today?

9 A. No.

10 Q. All right. And did those two documents that
11 you reviewed, did they refresh your memory at all?

12 A. To some extent.

13 Q. Okay. When you heard that you were scheduled
14 to give a deposition, did you already recall who Ms. Noel
15 was and basically recall what the issues were?

16 A. Yes.

17 Q. Okay. Why were you asked to prepare the
18 discipline summary from -- I assume Ms. Snider is the one
19 who asked you to prepare that?

20 A. Yes. Ms. Snider did.

21 Q. Okay. And you prepared it for Ms. Snider?

22 A. Yes.

23 Q. Why were you asked to prepare it?

24 A. There were a large number of e-mails from
25 various sources that Alyssa had kind of compiled, but no

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1 one person had actually gone through and read all the
2 e-mails, and they were very, you know, disorganized, on a
3 variety of topics, so she asked me to kind of look
4 through all of them and put them, organize them into one
5 summary so that it would be easier to understand all the
6 different pieces that had happened.

7 Q. Okay. And do you know why she wanted that
8 done? Did she explain what the purpose was?

9 A. Yes. She explained that there is just so many
10 e-mails, and she didn't necessarily know what was in all
11 the e-mails, and she wanted a concise, more-accessible
12 document that would summarize what was in those e-mails.

13 Q. Okay. What was in the e-mails? What was the,
14 what was the subject of the e-mails that you were
15 summarizing?

16 A. From what I recall, the majority of the e-mails
17 were with regards to Ms. Noel's, you know, concerns about
18 her working environment as well as her management's
19 response to those concerns.

20 Q. Is one of your duties to investigate workplace
21 concerns that are reported to the company?

22 A. Yes.

23 Q. Okay. And how long have you been at Shell now?

24 A. Two and a half years.

25 Q. Okay. During those two and a half years, is

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1 Ms. Noel the only employee you're aware of who has raised
2 concerns about her workplace environment?

3 A. No.

4 Q. All right. With respect to each person who has
5 raised concerns, do you do a similar task for those
6 folks, in other words, take the relevant e-mails that
7 relates to those concerns, management's response, and
8 summarize them?

9 MS. MOXLEY: Objection, vague.

10 Q. (BY MR. AHMAD) You can answer.

11 A. Could you rephrase the question?

12 Q. Sure. When you get a report of a concern
13 raised by an employee, do you engage in a similar task of
14 summarizing the relevant e-mails with respect to those
15 concerns and management's response for each concern
16 that's raised?

17 MS. MOXLEY: Objection, vague.

18 A. I would say in a case that has the sheer number
19 of e-mails, I would do the same. Not every case has the
20 same sheer number of e-mails from different sources.

21 Q. (BY MR. AHMAD) Okay. How did Ms. Snider ask
22 you to put together the summary document?

23 A. She provided me with a template that had been
24 done by another HR account manager in the past for a
25 different case.

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1 Q. How did she provide you that template? Did she
2 e-mail it to you, do you recall?

3 A. I believe via e-mail.

4 Q. Okay.

5 A. But may also have been hard copy.

6 Q. Okay. And then how did she actually make that
7 request of you? Was that done in a face-to-face
8 conversation or was that done via e-mail or telephone?

9 A. Face to face.

10 Q. Okay. And tell me about that discussion.

11 A. From what I recall, Alyssa told me that she had
12 a complicated employee relations issue that she was
13 working on and that she needed some help synthesizing all
14 the documents that she had been able to compile, so she
15 asked me to take a look at -- she forwarded me all the
16 things that she had gotten at that point and asked me to
17 take a look at them and synthesize the information and to
18 facilitate that. She gave me the template and said that
19 "This may be an easy way to kind of organize it."

20 Q. How long was that meeting?

21 A. Five minutes.

22 Q. Okay. Did you know anything about Ms. Noel's
23 situation before that meeting?

24 A. No.

25 Q. When was the meeting?

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1 A. I can't say for certain, but I believe early
2 December 2014.

3 Q. Okay. How do you recall that?

4 A. Because I know that she told me that it wasn't
5 super urgent, but she wanted it by the end of the year,
6 and so I decided to focus on it over the holidays when I
7 was working from home because I felt it was something
8 that I could do in isolation without a lot of input.

9 Q. Okay. All right. And so the concerns that
10 Ms. Noel had raised about her workplace environment, what
11 were those concerns?

12 MS. MOXLEY: Objection, vague, and
13 objection, mischaracterizes the witness' testimony.

14 A. Can you rephrase the question?

15 Q. (BY MR. AHMAD) Sure. The concerns that
16 Ms. Noel had raised that you were going to look at the
17 e-mails and sort of summarize, what were those concerns
18 that she had raised?

19 MS. MOXLEY: Objection, vague; objection,
20 mischaracterizes the witness' testimony.

21 A. Could you break down the question? Do you want
22 a specific? I just don't understand. I'm sorry.

23 Q. (BY MR. AHMAD) You don't understand -- okay.
24 I think I can break that down for you. Ms. Snider asked
25 you to review a large number of e-mails relating to,

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1 somewhat related to concerns that Ms. Noel had raised
2 about her workplace environment, right?

3 A. Yes.

4 Q. What concerns were those that Ms. Noel raised?

5 A. I would say that she didn't necessarily ask
6 me -- can you repeat your question? I'm sorry.

7 Q. No, that's okay. And that's a good point. If
8 you ever do not understand any of my questions, let me
9 know, okay? And we'll -- we can work through it like
10 we're doing now. All right?

11 A. (Witness nods head.)

12 Q. What do you recall were the concerns that
13 Ms. Noel raised about her workplace environment, in going
14 through the documents?

15 A. I remember that one of the key concerns she
16 raised was bullying and discrimination.

17 Q. Bullying by whom, do you recall?

18 A. Management, but I don't recall specifics.

19 Q. Okay. And discrimination based on what?

20 A. Gender.

21 Q. She felt that she was being bullied by male
22 co-workers and male management, is that fair?

23 A. I don't think she was that specific. From what
24 I recall, the concern was more general bullying,
25 potentially motivated by discrimination.

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1 Q. Okay. She didn't allege that any female
2 managers or female workers were bullying her, right?

3 A. I don't recall who she specifically alleged was
4 bullying her.

5 Q. Okay. Do you recall the names of any
6 individual that Ms. Noel alleges bullied her in the
7 workplace?

8 A. Not specifically. If you had a document, it's
9 been two years.

10 Q. Well, I thought you reviewed your summary
11 yesterday.

12 A. I did not go through every page and re-read it.
13 I just kind of looked at the top sheet and read the --

14 Q. Sure. Why did you review those documents to
15 prepare?

16 MS. MOXLEY: Objection. I think you're
17 getting into attorney/client. I'm going to instruct the
18 witness not to answer.

19 Q. (BY MR. AHMAD) The documents that you
20 reviewed, were those given to you by somebody else to
21 review for your deposition? In other words, you didn't
22 just go out and find documents to review yourself, right?

23 A. No.

24 Q. Okay. But the documents that you reviewed,
25 they did help to refresh your memory, right, at least in

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1 some respects?

2 A. To some extent.

3 Q. Okay. All right. So my question is -- and if
4 you don't recall, you don't recall. Just say "I don't
5 recall the name of any individual." But what I'm
6 wondering is: In looking at your summary and Ms. Noel's
7 complaint and affidavit, do you recall the name of any
8 individual whom Ms. Noel says bullied her in the
9 workplace?

10 A. I can guess, but I cannot say definitively.

11 Q. Okay. Go ahead and guess.

12 A. Debo comes to mind. I don't remember what his
13 role specifically was in the case.

14 Q. Okay. All right. Any other names that come to
15 mind?

16 A. Jerry Jackson.

17 Q. Any other names?

18 A. Gouri, G-o-u-r-i.

19 Q. Any others?

20 A. No.

21 Q. Who is Debo?

22 A. I know he is a Nigerian Shell employee that
23 Ms. Noel -- I don't know if she reported to him or worked
24 with him while in Nigeria, but I know he was somehow
25 involved with Ms. Noel in Nigeria.

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1 Q. Okay. And he works in Nigeria, as far as you
2 know?

3 A. At the time, he did. I don't know about now.

4 Q. Okay. Was Debo Ms. Noel's direct supervisor,
5 do you know?

6 A. I don't recall.

7 Q. All right. And who is Gouri?

8 A. Gouri was Ms. Noel's direct supervisor when she
9 came back to Houston.

10 Q. Okay. And he was her direct supervisor at the
11 time you were putting together this summary document for
12 Ms. Snider, right?

13 A. Yes.

14 Q. All right. Do you know why Ms. Noel was
15 working in Nigeria?

16 A. She was on an expatriate assignment.

17 Q. Do you know how she received that assignment?

18 A. I believe she applied through MOR.

19 Q. What's MOR?

20 A. Managed open resourcing. It's our internal job
21 posting system.

22 Q. Managed open resourcing?

23 A. Uh-huh.

24 Q. And what's on this managed open resourcing
25 system?

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1 A. Internal job postings.

2 Q. And so an employee looking for an available job
3 can go to this managed open resourcing system and see
4 what jobs are posted there?

5 A. Yeah.

6 Q. And they can do that anytime?

7 A. At the time of this situation, we posted jobs
8 on managed open resourcing system three times a year, but
9 the system has changed.

10 Q. How so? How has it changed?

11 A. Most jobs don't need to be posted during a
12 specific time of year anymore.

13 Q. Okay.

14 A. There are exceptions, of course.

15 Q. Do you know how long Ms. Noel was on the
16 assignment in Nigeria?

17 A. I don't recall.

18 Q. Do you know how long Ms. Noel worked for Shell?

19 A. I don't recall.

20 Q. You don't recall when she started with Shell?

21 A. No. I do recall that she had at least one
22 other role in the U.S. before she went to Nigeria,
23 though.

24 Q. Okay. And she does not work for Shell any
25 longer, right?

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1 A. That's correct.

2 Q. Do you know why this Ms. Noel was terminated
3 from Shell?

4 A. No, not specifically.

5 Q. What do you mean by "not specifically"?

6 A. I wasn't involved in the conversations to, you
7 know, determine Ms. Noel's employment, so I can't say for
8 sure what the exact reason was.

9 Q. Okay. What do you know? What were you told
10 about it?

11 A. What was I told about? Not much.

12 Q. Okay. Well, the little that you were told,
13 tell me what that is that you were told.

14 A. I knew that she was leaving Shell employment in
15 the Q2 2015 time frame, but not the specific reasons why
16 or how that was being done or any specifics.

17 Q. Who told you that Ms. Noel was leaving?

18 A. I believe Ms. Snider.

19 Q. And she didn't give you a reason for why?

20 A. Not specifically.

21 Q. Generally?

22 A. She knew that I had seen all of the documents
23 and made a recommendation as part of the documents, so,
24 no, she did not say, specifically, because she knew that
25 I had some awareness of the case and likely would not be

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1 surprised by hearing this.

2 Q. And so when you heard that Ms. Noel was no
3 longer at Shell you weren't surprised?

4 A. No.

5 Q. Because you had recommended that she be
6 terminated?

7 A. Yes.

8 Q. And that recommendation was followed?

9 MS. MOXLEY: Objection, mischaracterizes
10 the witness' testimony.

11 MR. AHMAD: I'm asking.

12 Q. (BY MR. AHMAD) So was that recommendation
13 followed?

14 A. Ultimately, yes, but I don't believe, by any
15 means, that the reason was because I recommended it.

16 Q. Why do you say that? I thought you just told
17 me that Ms. Snider didn't tell you the specific reason,
18 and she didn't do that because you knew about Ms. Noel's
19 situation and that you recommended termination.

20 A. That's correct.

21 Q. Okay. So Ms. Snider didn't give you any other
22 reason for why Ms. Noel was terminated, right?

23 A. That's correct.

24 Q. Okay.

25 A. But I feel personally confident that it's not

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1 because I recommended it.

2 Q. Why do you say that?

3 A. Just because of the nature of my role on the
4 team and also the nature of my role in the case.

5 Q. What do you mean "in the case"?

6 A. So, fundamentally, I was asked just to
7 synthesize documents and put them together in a logical
8 format; however, I -- by no means, did I -- you know, I
9 was not out there investigating her concerns, I was not
10 interviewing witnesses, and I don't have the authority
11 to make any decisions on anyone's employment in a vacuum.

12 Q. What do you mean "in a vacuum"?

13 A. So, of course, anyone can offer a
14 recommendation, but the -- as an HR graduate on the team,
15 you would need a higher level of authority within the
16 organization.

17 Q. Oh, sure. No, I understand that. You did not
18 make the final determination. Somebody had to approve
19 your recommendation, is that what you're trying to say?

20 A. Yes.

21 Q. Okay. No, I understand that. Who above you
22 would have to approve your recommendation?

23 A. David Williams.

24 Q. Did you ever speak to Mr. Williams about
25 Ms. Noel?

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1 A. Yes.

2 Q. Okay. And what did y'all talk about?

3 A. He asked me -- I believe he asked me
4 clarification questions based on the document I produced.

5 Q. The summary document?

6 A. Yes.

7 Q. Okay. Do you recall what those questions were?

8 A. Not specifically.

9 Q. Did you all talk about your recommendation that
10 Ms. Noel should be terminated?

11 A. I don't recall.

12 Q. Did you speak to Ms. Snider about your
13 recommendation?

14 A. Yes.

15 Q. All right. And what did y'all talk about in
16 that regard?

17 A. I believe we spoke on kind of my take on what I
18 had read and what made me -- what led me to recommend
19 termination.

20 Q. Okay. And what was that that led you to
21 recommend termination?

22 A. I think that the number of cases of -- a number
23 of examples that there were that I felt showed Ms. Noel
24 not taking personal responsibility for her, her part in
25 some of the events that happened over the course of her

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1 employment and the clear damage to relationships that had
2 been made. Considering how relationship-based Shell is
3 as a company, I, personally, did not feel that Ms. Noel
4 would be successful in the organization.

5 Q. You made that recommendation without ever
6 speaking to Ms. Noel, right?

7 A. Yes.

8 Q. Okay. And you made that recommendation without
9 speaking to anybody other than Ms. Snider, right?

10 A. That's correct.

11 Q. Okay. Ms. Noel was repatriated to the
12 United States because she raised concerns about her
13 workplace environment, right?

14 MS. MOXLEY: Objection, no showing of
15 personal knowledge.

16 A. I wasn't involved in her repatriation in any
17 way, so I don't know.

18 Q. (BY MR. AHMAD) Well, you were told that
19 Ms. Noel was being repatriated because of the concern she
20 raised about the workplace environment, right?

21 A. No.

22 Q. You were never told that?

23 A. No.

24 Q. From an HR perspective, does that concern you,
25 hearing that somebody is repatriated because they raised

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1 concerns about their workplace environment?

2 A. Yes.

3 Q. Why does that concern you?

4 A. Because retaliation is never acceptable in the
5 workplace, and repatriation can be seen as retaliation.

6 Q. Is there an anti-retaliation policy that Shell
7 has?

8 A. Yes.

9 Q. All right. Did Human Resources ever
10 investigate whether Ms. Noel's repatriation was
11 retaliation?

12 A. I believe that Alyssa investigated Ms. Noel's
13 concerns.

14 MR. AHMAD: I'm going to object as
15 nonresponsive.

16 Q. (BY MR. AHMAD) I'm talking about the specific
17 issue of Ms. Noel's repatriation from Nigeria to the
18 United States. Do you know one way or the other whether
19 Human Resources investigated whether that repatriation
20 was retaliation?

21 A. It's my understanding that Alyssa investigated
22 all of Ms. Noel's concerns.

23 Q. How do you know that?

24 A. Just based on my knowledge of Alyssa, and I see
25 her as very detail-oriented.

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1 Q. Okay.

2 A. I would be surprised.

3 Q. So it's not --

4 A. It's not based on knowledge. It's just based
5 on what I had seen in the past --

6 Q. Okay.

7 A. -- from Alyssa.

8 Q. All right.

9 (Exhibit No. 1 marked for identification.)

10 Q. (BY MR. AHMAD) All right. Ms. Rogers, you've
11 been handed Exhibit 1 to your deposition. Do you
12 recognize that document?

13 A. Yes.

14 Q. All right. What is Exhibit 1?

15 A. This is the e-mail that I sent to Alyssa after
16 I had completed the discipline summary to let her know
17 that I had completed it and that I put it in the
18 SharePoint.

19 Q. Why do you call it a discipline summary?

20 A. Because that's what it was called on the
21 template that Alyssa provided me.

22 Q. Were you asked to make a recommendation about
23 termination with respect to Ms. Noel or did you do that
24 completely on your own?

25 A. I was not asked to do so. The reason I did it

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1 was because it was on the template that Alyssa provided
2 me.

3 Q. Okay. Did you know one way or the other
4 whether anyone else at Shell had requested that Ms. Noel
5 be terminated at the time you were putting together this
6 document?

7 MS. MOXLEY: Objection, vague.

8 A. Can you rephrase your question?

9 Q. (BY MR. AHMAD) Do you know whether anybody
10 else at Shell had requested that Ms. Noel be terminated
11 at the time you were putting together the discipline
12 summary?

13 MS. MOXLEY: Objection, vague.

14 A. Could you rephrase again? I'm sorry.

15 Q. (BY MR. AHMAD) When did you complete the
16 discipline summary?

17 A. December 31st, 2014.

18 Q. Okay. And that's reflected on Exhibit 1?

19 A. Yes.

20 Q. All right. Do you know whether in that time
21 frame, December of 2014, or before, do you know if at any
22 time before you completed the discipline summary whether
23 anyone at Shell had recommended that Ms. Noel's
24 employment be terminated?

25 A. No.

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1 Q. Okay. So you were never told that?

2 A. No.

3 Q. Okay. And so you don't know who recommended
4 that Ms. Noel's employment be terminated?

5 A. I recommended in this document. I do not
6 know --

7 Q. Before you made the recommendation, you don't
8 know who else recommended that Ms. Noel or requested that
9 Ms. Noel be terminated?

10 A. No.

11 Q. Okay. And you weren't requesting that Ms. Noel
12 be terminated, you were recommending that she be
13 terminated?

14 A. Yes.

15 Q. Okay. If an employee believes that they are
16 being discriminated against, are they supposed to raise
17 that with the company?

18 A. Yes.

19 Q. Are they obligated to raise it?

20 A. No.

21 Q. Okay. So they may just -- under Shell's
22 policy, they are allowed to just sit quiet, even if they
23 believe they are being discriminated against?

24 A. It is difficult to mandate someone to do
25 something like that. Our policy is to encourage people

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1 to feel comfortable to do that, but you can't say, "If
2 you feel discriminated against, you have to raise it."

3 Q. Okay. Well, discrimination is illegal, right?

4 A. Yes.

5 Q. And so if somebody feels like they are being
6 discriminated against, they feel like they are being
7 treated unlawfully, right?

8 A. Yes.

9 Q. Okay. And so you don't think that Shell can
10 mandate if somebody sees illegal conduct going on in the
11 workplace that they report that?

12 A. There is a difference -- I believe that your
13 original question asked me if the person felt that they
14 were being discriminated against that they had to raise
15 it.

16 Q. Yes, ma'am.

17 A. And I don't believe that it is possible to have
18 a policy that states that; however, of course, it would
19 be our expectation if someone else were to witness
20 examples of discrimination, that they would raise it.

21 Q. Okay. You mentioned that you encourage
22 employees to raise allegations of discrimination and hope
23 that they feel comfortable doing that. Did I hear you
24 correctly?

25 A. Yes.

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1 Q. How is it that Shell attempts to make employees
2 feel comfortable in raising allegations of
3 discrimination?

4 A. We have an ethics, anonymous ethics and
5 compliance hotline that you can call and anonymously
6 report concerns.

7 Q. Okay. How else?

8 A. Of course, if you raise a concern directly to
9 HR unanonymously we will investigate the concern.

10 Q. Okay. And how else does Shell try to make
11 employees feel comfortable raising allegations of
12 discrimination?

13 A. We have various policies against discrimination
14 and retaliation that -- and, obviously, we have a Code of
15 Conduct.

16 Q. All right. Was Ms. Noel bullied in the
17 workplace or do you know?

18 A. I can't say for certain. I wasn't there, but
19 my impression from reading the documents is that we
20 didn't have enough evidence to say yes.

21 Q. How did you get that impression?

22 A. Just in the totality of the evidence.

23 Q. What evidence are you referring to?

24 A. The e-mails.

25 Q. Okay. Was Ms. Noel discriminated against in

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1 the workplace? Was she treated differently?

2 A. Again, I can't say for certain yes or no, but
3 I, personally, don't believe so, based on what I've seen.

4 Q. Okay. But you're not -- that's not an official
5 Shell HR position from you, right?

6 A. I mean, I wasn't there. I can't say
7 definitively yes or no.

8 Q. Do you know whether or not her allegations of
9 discrimination and bullying and retaliation were
10 investigated? Do you know definitively one way or the
11 other?

12 A. I know Alyssa Snider investigated Ms. Noel's
13 concerns. I can't say, yes, she investigated this
14 concern, no, she investigated that concern; but I know
15 she did investigate concerns.

16 Q. Okay. And you just don't know what the result
17 of the investigation is?

18 A. I did know that Ms. Noel was terminated at some
19 point, her employment was terminated at some point. I
20 don't know if that was a direct result of the
21 investigation or of something else.

22 Q. Okay. Because you didn't complete the
23 investigation?

24 A. No.

25 Q. One of your jobs is to investigate allegations

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1 of discrimination, bullying, retaliation, right?

2 A. Yes.

3 Q. Why did you not investigate Ms. Noel's
4 allegations that she had raised?

5 A. Typically, in HR, as an HR account manager, we
6 have a certain scope of employees that are our clients
7 that we manage their concerns, should they raise any.
8 At, you know, this time, I did not -- I was not the HR
9 account manager responsible for Ms. Noel's organization.
10 That would have been Alyssa; therefore, Alyssa
11 investigated the concerns.

12 In late 2014, I was HR analyst for the PTP
13 organization, which, more or less, is backup support,
14 project-based work, not direct client accountability.

15 Q. Do you know when Ms. Snider investigated
16 Ms. Noel's allegations?

17 A. Q1 2015.

18 Q. Do you know when Ms. Noel raised these
19 allegations?

20 A. Raised allegations in the U.S.?

21 Q. At any time.

22 A. I do know she raised concerns of bullying while
23 in Nigeria. That was in the documents that I reviewed as
24 part of the summary.

25 Q. Okay.

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1 A. And I did know that she submitted the 15-page
2 affidavit. I don't remember exactly when that was.

3 Q. The allegations that Ms. Noel raised while she
4 was in Nigeria, do you know if Ms. Snider investigated
5 those allegations or would somebody else have done that?

6 A. No, she did not.

7 Q. Okay. Do you know who did?

8 A. The HR account manager in Nigeria. I don't
9 remember the name.

10 Q. Okay. And do you know what the result of that
11 investigation was?

12 A. I believe that they did not find evidence to
13 back up Ms. Noel's claim.

14 Q. How do you know that?

15 A. By reading the e-mails that I received.

16 Q. Did you speak to the HR staff member who
17 investigated those allegations?

18 A. No.

19 Q. Okay. When you investigate allegations of
20 discrimination and retaliation, how do you go about doing
21 that?

22 A. There is no standard process; however,
23 typically, you interview the person that raised the
24 concerns, you would interview all of the key parties that
25 were involved in the concerns and you review any

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1 documents that -- documentation that you are able to have
2 that relate to the concerns.

3 Q. Who do you go about deciding or how do you go
4 about deciding who to interview as part of the workplace
5 investigation?

6 A. Typically, you obviously would also interview
7 the person that came forward with the concern, unless
8 it's anonymous and you don't know who that person is.

9 Q. Okay.

10 A. And if they, you know, allege that a specific
11 person was involved, you would, you know, typically
12 involve them, because it's important to hear all sides of
13 the story. And then any, anyone else that through the
14 course of your conversation seems to have had a
15 significant role, or typically I would ask the person who
16 raised the concern if they -- if there is anyone, in
17 particular, that they think I should speak to.

18 Q. Do you typically take notes when you interview
19 folks as part of an investigation?

20 A. Yes.

21 Q. Why?

22 A. Just to be able to reference the conversation
23 later on and also so that we have, you know, a record.

24 Q. When you were putting together the discipline
25 summary for Ms. Snider, you didn't review any sort of

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1 interview notes from any investigation into Ms. Noel's
2 investigation, right?

3 A. I don't remember, specifically. I do remember
4 that there was some challenge on getting documents from
5 Nigeria.

6 Q. Do you recall when you received the
7 documentation from Nigeria?

8 A. I believe there was some documents in the
9 e-mails that Alyssa forwarded to me, and I believe there
10 were some additional documents that were sent probably in
11 the January 2015 time frame that are referenced in this
12 e-mail, when we hear back from Nigeria, I will add in
13 those documents. I believe we did eventually hear back
14 from them. I'm not sure exactly what they were able to
15 provide, though.

16 Q. All right.

17 THE WITNESS: Could we take a quick break?

18 MR. AHMAD: Sure. That's fine.

19 (Brief recess from 10:38 a.m. to
20 10:44 a.m.)

21 (Exhibit No. 2 marked for identification.)

22 Q. (BY MR. AHMAD) All right. Ms. Rogers, are you
23 ready to proceed with your deposition?

24 A. Yes.

25 Q. Okay. You've been handed Exhibit 2 to your

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1 deposition.

2 A. Uh-huh.

3 Q. Do you recognize that document?

4 A. Yes.

5 Q. Okay. What is Exhibit 2?

6 A. It's a string of e-mails. I've only had a
7 chance to look at the first one, but this one is an
8 e-mail from Gouri to Alyssa detailing some of his
9 concerns about Cornelia's behaviors.

10 Q. Okay. And do you know why Ms. Snider forwarded
11 this to you on Sunday morning, December 21st?

12 A. So that I could include it as part of the
13 discipline summary.

14 Q. Okay. And why were you to include this as part
15 of the discipline summary, do you know?

16 A. Because it includes a lot of information about
17 what had been going on since Cornelia had been
18 repatriated to Houston.

19 Q. Okay.

20 A. Ms. Snider forwarded me any document that she
21 had that was at all relevant to Cornelia.

22 Q. What do you mean by that, "relevant to
23 Cornelia"? Do you mean relevant to some form of
24 discipline that she had incurred?

25 A. No. What I mean by "relevant" is just involved

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1 Cornelia at all. Any e-mails that she had sent to
2 management, any e-mails Alyssa had received from
3 management, she sent it all to me.

4 Q. Okay. But you're not talking about just
5 general work e-mails, you're talking about any e-mails
6 that related to her concerns and/or management's
7 response?

8 A. That Alyssa had received.

9 Q. Okay. How do you know how Ms. Snider decided
10 to pick which document she forwarded to you?

11 A. It is my understanding that she forwarded all
12 the documents to me that she had received.

13 Q. Okay. So it's your understanding that
14 Ms. Snider didn't hold anything back that she received?

15 A. Yes.

16 Q. Okay.

17 A. Of course, I can't say for certain, but --

18 Q. Right.

19 A. -- that's what she told me.

20 Q. Okay. Do you know what categories of documents
21 she requested?

22 A. Not specifically.

23 Q. Okay. All right. So take a look at Exhibit 2.
24 The last e-mail in the chain before it's forwarded to you
25 is an e-mail from Gouri to Ms. Snider and Mr. Peart?

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1 A. Yes.

2 Q. All right. And he's got a couple of bullet
3 points with, it looks like, five sub bullet points, do
4 you see that?

5 A. Yes.

6 Q. All right. On the second bullet point he
7 states, toward the bottom, "We do not have work for
8 Cornelia in her line of specialty (hardware) that is of
9 JG2 level." Did I read that correctly?

10 A. Yes.

11 Q. Do you know if that's a correct statement?

12 A. No.

13 Q. Okay. You don't know one way or the other?

14 A. No.

15 Q. Okay.

16 A. HR would rely on the business for information
17 like that.

18 Q. Okay. Did you read this e-mail at the time you
19 received it?

20 A. Yes.

21 Q. Or at some point, you reviewed it before --

22 A. Prior to -- between December 21st and
23 December 31st, yes.

24 Q. Right. I didn't mean to suggest that you were
25 up at 6:51 a.m. reading it as it came in.

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1 A. No.

2 Q. Okay. In the e-mail that's -- the e-mail to
3 Ms. Snider was December 14th, 2014, right?

4 A. Yes.

5 Q. In the first bullet point, Gouri states that
6 there are behavioral issues with Cornelia that he
7 believes are not redeemable. Did I read that correctly?

8 A. Yes.

9 Q. Do you know what he meant by that? Or did you
10 ask him at all about that statement?

11 A. I don't recall ever speaking directly with
12 Gouri on this case.

13 Q. Okay. All right. Do you know what he meant by
14 that statement?

15 A. I can make my own interpretation, but I can't
16 say for certain what he meant.

17 Q. Okay. Why didn't you speak to Gouri?

18 A. I was not investigating the investigator in
19 this case. I was asked to simply read through the
20 e-mails, summarize and compile them. If I was the
21 investigator, I would have spoken with Gouri and
22 interviewed him, I suppose.

23 Q. Did you assist with the investigation into
24 Ms. Noel's concerns?

25 A. I was present in two, at least two meetings

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1 where my role was to take notes.

2 Q. And did you do that?

3 A. Yes.

4 Q. Okay. When was that? When were those
5 meetings?

6 A. There was one meeting which I believe was
7 in late 2014 that I was present at and one meeting in
8 Q1 2015 that I was present at. There may have been more,
9 but those are the two that I can distinctly recall.

10 Q. And who all was present for those meetings?

11 A. The first meeting was myself, Alyssa, Gouri and
12 Doug Peart.

13 Q. Okay. How about the second one?

14 A. Myself, Alyssa, Jamie Allen, Debo, who happened
15 to be in Houston, so he was in person, and then we
16 teleconferenced in Jerry Jackson from Nigeria.

17 Q. All right. And when was that?

18 A. Q1 2015. I can't recall specifics.

19 Q. Was it after Ms. Noel had been let go?

20 A. No.

21 Q. All right. Okay. And tell me, tell me what
22 you recall from that meeting, the second meeting.

23 A. That was a meeting as part of Alyssa's
24 investigation into Cornelia's concerns, and we -- she and
25 Jamie Allen were trying to get more information about

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1 what happened in Nigeria.

2 Q. Ms. Snider and Ms. Allen were?

3 A. Yes.

4 Q. And what did you learn?

5 A. I don't recall specifics.

6 Q. Generally, what do you recall from the meeting?

7 A. I recall that Alyssa and Jamie had some
8 specific questions for Jerry and Debo about things along
9 the lines of, you know, cell phone policy in Nigeria and
10 car policy in Nigeria, because Ms. Noel had raised those
11 as specific concerns.

12 Q. What information did they get about that?

13 A. I believe that there was a change in the car
14 policy in Nigeria that Jerry described. I can't remember
15 exactly what that change was.

16 Q. Okay. Anything else you recall?

17 A. No.

18 Q. How long was the meeting?

19 A. An hour and a half.

20 Q. And the only thing you recall was that there
21 was a change in the car policy?

22 A. It was two years ago. Yes.

23 Q. Did you review your notes from that meeting in
24 preparation for your testimony?

25 A. No.

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1 Q. Have you seen your notes from the meeting?

2 A. Not in two years.

3 Q. Do you know where they are?

4 A. I believe I would have submitted them as part
5 of this. I submitted everything that I had.

6 Q. Okay. And you did that two years ago?

7 A. Yes.

8 Q. You had an idea that if Ms. Noel were
9 terminated that she would likely file a lawsuit, right?

10 A. I could guess that that was a likely outcome.

11 Q. All right?

12 A. And I did as part of the risks that I mentioned
13 in the summary.

14 Q. And why did you view that as likely?

15 A. Just based on the number of concerns that were
16 raised by Ms. Noel and some of the specific language used
17 in the, in the e-mails.

18 Q. Such as what?

19 A. I can't think of any examples off the top of my
20 head. That's just the impression that I got.

21 Q. Okay. So you, you fault Ms. Noel for raising a
22 number of issues?

23 A. No.

24 Q. Well, then why do you refer to the number of
25 allegations that she raised?

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1 A. I think that the large number of allegations
2 increases the likelihood that she would pursue a claim.

3 Q. Why do you believe that?

4 A. Just because, you know, if I was in such a
5 situation and I felt that I had been wronged in so many
6 different ways, I would likely be more upset about it and
7 likely be more interested in going through a long and
8 painful process.

9 Q. When you provided the discipline summary to
10 Ms. Snider, that's the transmittal e-mails, Exhibit 1?

11 A. Uh-huh.

12 Q. By the way, did you ever update or revise your
13 discipline summary, that you recall?

14 A. I believe I added -- I believe we got
15 additional information from Nigeria, which I added.

16 Q. Okay. And when did you update the discipline
17 summary, do you know?

18 A. I would guess January 2015.

19 Q. I'm sorry. I may have asked you this earlier,
20 but do you recall what Ms. Noel's specific issues were?
21 I know you talked earlier about how she was complaining
22 that she had been discriminated against and she had been
23 bullied. Setting aside the labels that you put on it, do
24 you recall what her specific factual allegations were?

25 A. No.

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1 Q. Is there any document that would help you
2 refresh your memory as to what Ms. Noel's specific
3 factual allegations were?

4 A. Her affidavit or the discipline summary.

5 Q. Okay.

6 (Exhibit No. 3 marked for identification.)

7 Q. (BY MR. AHMAD) All right. Ms. Rogers, that is
8 Exhibit 3 to your deposition.

9 MR. AHMAD: That's a document that was
10 used in the other, so I don't have an extra copy.

11 MS. MOXLEY: Can I just -- I just want to
12 double-check the Bates numbers on it. Well, the Bates
13 number is different from the one yesterday.

14 MR. AHMAD: Oh, it is? Okay. What's the
15 Bates range on that?

16 MS. MOXLEY: On the one you just handed
17 me?

18 MR. AHMAD: Yeah.

19 MS. MOXLEY: It's 2772 to 2783.

20 MR. AHMAD: Do you know if it's different
21 from the other Bates range?

22 MS. MOXLEY: Offhand, I don't know.

23 MR. AHMAD: Okay. What's the Bates range
24 on that one, on Exhibit 3?

25 MS. MOXLEY: 2772 to 2783.

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1 MR. AHMAD: All right. Well, let me just
2 ask her a couple of questions about it.

3 Q. (BY MR. AHMAD) All right. Ms. Rogers, you've
4 been handed Exhibit 3 to your deposition. Do you
5 recognize that document?

6 A. Yes.

7 Q. All right. And what is Exhibit 3?

8 A. It's the discipline summary that I created for
9 Alyssa.

10 Q. And is that the original one, can you tell,
11 before it was updated at all?

12 A. It says as of December 31st, so I would assume
13 yes.

14 Q. All right. All right. So looking at the
15 discipline summary, does that refresh your memory as to
16 what Ms. Noel's specific factual allegations were with
17 respect to discrimination and bullying?

18 A. Are you referring to her concerns from a
19 specific time period or just in general?

20 Q. At all.

21 A. It is not really helping. It's a lot of quotes
22 and dates and -- but it's -- it doesn't clearly summarize
23 Cornelia's concerns.

24 Q. Okay. Why is that?

25 A. Because the purpose of this document was to put

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1 into a logical time line of events kind of what had
2 happened and summarize what was said in the e-mails that
3 we were able to obtain, not necessarily to summarize
4 Ms. Noel's complaint.

5 Q. Okay. I thought that you told me earlier that
6 one of the purposes of the document was to summarize
7 Ms. Noel's concerns.

8 A. I don't recall saying that.

9 Q. Okay. Was that one of the purposes of the
10 document?

11 A. I don't believe so.

12 Q. Why not?

13 A. Because I was asked just to look at the e-mails
14 and summarize what was in the e-mails and put them in a
15 logical time line so that it was easier to understand.

16 Q. Well, I thought you told me that the e-mails
17 you were looking at, some of which had to do with
18 Ms. Noel's concerns.

19 A. That is true.

20 Q. Okay. So why did you not include
21 Ms. Noel's actual concerns in your summary?

22 A. I may very well have, but from my quick glance
23 at the 12 pages, nothing is coming quickly.

24 Q. Okay. Well, take more time if you need then.
25 You don't have to do a quick review.

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1 A. I do have a clarification question.

2 Q. Sure.

3 A. Are you asking for specific examples of
4 concerns relating to discrimination and bullying or
5 specific examples of just Ms. Noel raising concerns about
6 her work environment or both?

7 Q. Well, the concerns that Ms. Noel raised were
8 concerns of bullying and discrimination, right?

9 A. Yes.

10 Q. Okay. Those concerns.

11 A. Okay. There is, in this document, a summary of
12 an e-mail sent from Ms. Noel in 2012 that says that she
13 feels that she's been treated differently from her peers
14 and gives several examples of how.

15 Q. Okay. What page are you on?

16 A. Page 8 on the top box.

17 Q. Okay. So in that box you state that Ms. Noel
18 believes that she is being treated differently from her
19 peers at the same job grade?

20 A. Yes. And then the third box down, it says,
21 "Cornelia makes an allegation of bullying."

22 Q. Where are you in the third box?

23 A. In the first paragraph in the third box on the
24 same page.

25 Q. Okay.

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1 A. It says, "Cornelia disagrees with this
2 assessment and makes an allegation of bullying."

3 Q. What is the assessment that Ms. Noel disagreed
4 with?

5 A. I don't recall. I would have to read the
6 e-mail.

7 Q. Why did you not include that in the summary?
8 Don't you think that's pretty important to include?

9 A. I don't know, specifically, why I didn't
10 include it.

11 Q. Don't you think that that's something that
12 ought to have been included in the summary?

13 A. Perhaps, in reflection, it should have been,
14 but it apparently did not occur to me at the time.

15 Q. All right. Any other specific allegations that
16 you see referenced?

17 A. On the same page at the very bottom of the box,
18 at the very bottom, it says, "Cornelia has a meeting with
19 Kerri Frannea" and it says -- and it continues on to the
20 next page. "She states that the system is every bit as
21 biased against females as it was in the past."

22 Q. Okay. Do you know what she meant by that?

23 A. I believe that she is implying that the system
24 is biased against female engineers.

25 Q. Is that true?

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1 A. I can't say for certain. I'm not an engineer.

2 Q. Well, you are in HR.

3 A. That's true.

4 Q. One of your responsibilities is to find out if
5 the system is biased against females, is that fair?

6 A. I don't personally believe it is, but I'm not
7 an engineer, so it's --

8 Q. Sure. But you don't know?

9 A. I don't know, but I don't believe it is.

10 Q. Okay. Why don't you believe it?

11 A. Based on what I've seen and conversations that
12 I've had.

13 Q. But you didn't investigate that allegation,
14 right?

15 A. I did not investigate this specific allegation,
16 no.

17 Q. You would agree that that is a very serious
18 allegation that Ms. Noel is stating there, right?

19 A. Yes.

20 Q. Okay. From an HR perspective, that allegation
21 should cause you some concern to hear that, right?

22 A. Yes.

23 Q. Okay. Why didn't you take just a couple of
24 minutes and talk to Ms. Noel when you were seeing these
25 allegations?

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1 A. Well, one thing to note is these allegations
2 were made in 2012, so I was only looking at this three
3 years later.

4 Q. Okay.

5 A. And, secondly, again, the intent of my role in
6 this was not to investigate. It was just to summarize.

7 Q. And recommend that Ms. Noel's employment be
8 terminated.

9 A. I wasn't specifically asked to recommend
10 anything.

11 Q. But you did. You went ahead and took that
12 step.

13 A. I did.

14 Q. You didn't have to?

15 A. I did not.

16 Q. Okay. But you chose to?

17 A. Yes.

18 Q. All right. Without ever talking to Ms. Noel?

19 A. Yes.

20 Q. Do you believe that's fair to Ms. Noel?

21 A. If I was the final decision maker, it would not
22 have been fair, but I knew that I was not, by any means,
23 the decision maker, and that I was simply making a
24 recommendation based on the evidence that I had seen,
25 which may not have been everything, it was just what I

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1 had access to.

2 Q. Well, did you say that when you were
3 recommending termination, that, "Look, this is based on
4 incomplete information, don't take this recommendation
5 too seriously"?

6 MS. MOXLEY: Objection, argumentative.

7 Q. (BY MR. AHMAD) Did you make that clear when
8 you were giving the recommendation?

9 MS. MOXLEY: Objection, argumentative.

10 A. I obviously did not say that in this specific
11 paragraph; however, as I said before, based on my role in
12 the team and in this case, I knew that my recommendation
13 is not -- they weren't going to act based on my
14 recommendation. No way. So I did not feel it necessary
15 to specifically state that in this document.

16 Q. (BY MR. AHMAD) So if you felt that they
17 weren't going to act on the recommendation, why give the
18 recommendation at all?

19 A. Honestly, I -- it was on the template that
20 Alyssa provided me, both the recommendation and the
21 potential risks, so I filled it out. That's what
22 prompted me to do it.

23 Q. What is a progressive discipline policy?

24 A. That phrase can mean a lot of things, but,
25 typically, it's moving from a less severe level of

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1 discipline, progressively, to a more severe level of
2 discipline over time.

3 Q. The most severe form of discipline being
4 termination of employment, right?

5 A. In this context, yes.

6 Q. Okay. And in Shell's progressive discipline
7 policy, you were supposed to take a series of steps
8 before an employee is ultimately terminated,
9 right?

10 MS. MOXLEY: Objection, mischaracterizes
11 the witness' testimony.

12 Q. (BY MR. AHMAD) Right?

13 MS. MOXLEY: Same objection.

14 A. Can you repeat your question?

15 Q. (BY MR. AHMAD) Sure. According to Shell's
16 progressive discipline policy, Shell is supposed to take
17 a series of progressive steps before an employee is
18 ultimately terminated, right?

19 MS. MOXLEY: Objection, assumes facts and
20 mischaracterizes witness' testimony.

21 A. We don't have a clear policy on how we have to
22 handle employee-relation situations in every case.

23 MR. AHMAD: I'm going to object as
24 nonresponsive.

25 Q. (BY MR. AHMAD) I'm not talking about every

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1 single case or whether some situations, some warrant
2 going immediately to termination. You would agree with
3 that, right?

4 A. Yes.

5 Q. Okay. But when you don't have those
6 most-severe situations, Shell has a policy that utilizes
7 a series of steps before you get to termination, right?

8 MS. MOXLEY: Objection, assumes facts.

9 A. When you --

10 MR. AHMAD: I'm not assuming anything.
11 I'm asking a Human Resources person, so --

12 MS. MOXLEY: Well, you're assuming that
13 there is such a policy --

14 MR. AHMAD: I'm asking.

15 MS. MOXLEY: -- and we haven't established
16 that yet. That wasn't the question you asked her.

17 MR. AHMAD: Well, I'm asking.

18 MS. MOXLEY: Well, if you want to ask her
19 if such a policy exists, then ask that question.

20 MR. AHMAD: That is what I'm asking.

21 MS. MOXLEY: Well, that wasn't the
22 question I heard. Maybe I misheard it.

23 MR. AHMAD: Okay.

24 MS. MOXLEY: That wasn't the question I
25 heard.

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1 MR. AHMAD: Okay.

2 Q. (BY MR. AHMAD) Go ahead and answer the
3 question.

4 A. What, specifically, do you mean by "policy"?

5 Q. What is a policy?

6 A. So my question kind of comes from, when you say
7 policy, do you mean something that we're mandated to do
8 or is it just recommended guidelines?

9 Q. You tell me. You work for Shell in Human
10 Resources. You tell me. What are Shell's policies? Are
11 they mandates?

12 A. No.

13 Q. Okay. So employees can choose to follow the
14 policies or not?

15 A. That's not what I meant by that.

16 Q. Okay. I didn't think so. Okay. So are
17 Shell's policies required to be followed?

18 A. What I would say is that our policies are more
19 guidelines and that it's difficult to -- there is always
20 gray space in our policies because they can be kind of
21 generic.

22 Q. Okay.

23 A. That's kind of what I was getting at. I
24 probably didn't explain that well.

25 Q. Okay. So policies are guidelines. When it

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1 comes to the progressive discipline policy, we talked
2 about that before, that in some circumstances you don't
3 have to follow the policy, you can go immediately to
4 termination, right?

5 A. That is correct.

6 Q. Okay. And so that's what you mean by
7 "guideline," right?

8 A. Yes.

9 Q. Okay.

10 A. And I would say that, specifically, our -- I
11 believe when you say progressive discipline policy,
12 you're referring to our managing individual
13 under-performance guidelines. We don't even call them a
14 policy.

15 Q. You call it a guideline?

16 A. Yes.

17 Q. Okay. Why did you not recommend that the
18 guideline be followed with respect to Ms. Noel?

19 A. I state in my recommendation that -- or in
20 somewhere -- "While there has been no formal performance
21 improvement plan, I think we are able to make the
22 argument that she has received more than enough feedback
23 and chances to improve."

24 Q. Where are you reading?

25 A. On Exhibit 1, the middle paragraph, the last

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1 sentence.

2 Q. What do you mean by "We can make the argument,"
3 or "We will be able to make the argument"?

4 A. I felt confident that based on the totality of
5 evidence that it was clear that she had been given those
6 opportunities; therefore, I felt confident that we could
7 make that argument.

8 Q. Make what argument?

9 A. That she had been given these opportunities, so
10 while she had not been on a formal performance
11 improvement plan, she had been given multiple
12 opportunities to improve her performance, which is the
13 intent of a performance improvement plan.

14 Q. What is a formal performance improvement plan?

15 A. It's part of our managing individual
16 under-performance guidelines. It's a document that is
17 made up by the employee's manager that states -- both
18 summarizes kind of the areas of under-performance that
19 need to be improved upon and also states specific actions
20 that the employee needs to take in order to demonstrate
21 that they are, you know, improving their performance and
22 can be competitive against their peers with deadlines.

23 Q. And you abbreviate that "PIP," right?

24 A. Yes.

25 Q. Okay. So when I refer to a PIP, you know what

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1 I'm referring to?

2 A. Yes.

3 Q. All right. And what is supposed to be included
4 in a PIP under the guidelines?

5 A. There is basic employee information at the top
6 of the document, then there is a section that describes
7 the under-performance as seen by the manager with
8 specific examples of the under-performance. Then there
9 are the actions that they need to, the employee needs to
10 perform in order to demonstrate that they are improving
11 on their performance and can be competitive against their
12 peers, and each action needs to have a deadline
13 associated with that. And then at the end of the
14 document it lists the resources that are available to the
15 employee during this review period and also how long the
16 review period is.

17 Q. All that goes on a PIP?

18 A. Yes.

19 Q. How long are these PIP, typically?

20 A. Several pages.

21 Q. So it's supposed to be in writing?

22 A. Yes.

23 Q. All right. Why?

24 A. So that both management and the employee have
25 something to reference when they are having their regular

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1 review meetings over the performance -- over the
2 employee's performance, and also so that we can, you
3 know, record notes and have a working document. So both
4 parties are seeing the same thing.

5 Q. Got you. So there is no dispute about what the
6 alleged performance deficiencies are, right?

7 A. So what I've seen is the document says what the
8 manager sees as performance deficiencies. That doesn't
9 necessarily mean that the employee agrees with that
10 assessment, but the document does state what it states.

11 Q. I understand.

12 MR. AHMAD: I'm going to object as
13 nonresponsive.

14 Q. (BY MR. AHMAD) My question was a little bit
15 different.

16 A. Okay.

17 Q. I understand your answer, but the reason that
18 it's in writing and there is specific examples is that,
19 like you said, the employee, management, HR, they are
20 looking at the exact same language, right?

21 A. Yes.

22 Q. So there is no dispute what the alleged
23 performance deficiencies are?

24 A. Yes.

25 Q. Okay. And then there is another section you

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1 said. Did you call it required actions of the employee?

2 A. Yes.

3 Q. Okay. And you said there is a deadline
4 associated with that?

5 A. With each action.

6 Q. Okay. Why is that? Why is there a deadline
7 associated with each action?

8 A. The purpose of the actions are that they are,
9 you know, SMART goals. I don't know if you've heard that
10 phrase before.

11 Q. I have.

12 A. So that we can kind of track the time of
13 completion. Because, you know, if there is not a
14 deadline attached, people typically push it off.

15 Q. How long is the deadline, typically, for an
16 action?

17 A. So I would say the entire PIP review period
18 would, on average, be about three months.

19 Q. 90 days?

20 A. So some of the actions may have specific
21 deadlines based on the nature of the work that the
22 employee does, but some of them will typically, the
23 deadline will be the completion of the review period.

24 Q. Okay. So some deadlines within the PIP will be
25 30, 45, 60 days, maybe immediate, and then other

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1 deadlines will be the end of the PIP review period?

2 A. Yes.

3 Q. Okay. At least that's your experience?

4 A. Yes.

5 Q. All right. What involvement do you have in
6 PIPs, just generally, as part of your job?

7 A. As an HR account manager?

8 Q. Yes.

9 A. Typically, I become involved when a manager
10 comes to HR with concerns about an employee, you know,
11 not performing compared to their peers. This can be
12 through a multitude of ways, but that's when HR becomes
13 involved.

14 Q. If a manager comes and says, "Hey, I've got a
15 problem with an employee"?

16 A. And asks for advice, yes.

17 Q. Okay. And then where do you, from an HR
18 perspective, where do you take it from there?

19 A. So I typically try to probe the manager for,
20 you know, what conversations have they had with the
21 employee, what are the, you know, examples of
22 under-performance that they have seen, you know, have
23 they documented in their mid-year, end-year review?
24 Basically get a sense of the situation.

25 Q. Then what do you do?

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1 A. And then I advise the next steps. You know, in
2 conversation with the manager, we try to determine for
3 that case what we think is most appropriate.

4 Q. And then what do you do?

5 A. Are you asking if, if the recommendation based
6 on the -- is to start performance improvement plan?

7 Q. Yes.

8 A. Then I would ask the manager to draft up a
9 draft performance improvement plan. I would provide him
10 a template and kind of walk him through the expectation
11 that, you know, they are SMART goals and all of that.

12 Q. What does "SMART" stand for?

13 A. Specific, measurable, achievable, realistic and
14 time bound.

15 Q. I'm sorry. Specific --

16 A. Measurable.

17 Q. Measurable.

18 A. I can't remember what I just said for A.

19 Q. I bet the court reporter knows.

20 THE COURT REPORTER: Achievable.

21 A. Achievable. Yes. Realistic and time bound.

22 Q. (BY MR. AHMAD) I'm sorry. Time bound?

23 A. (Witness nods head.)

24 Q. Okay. That's what happens if y'all get
25 together and y'all decide that a PIP is an appropriate

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1 course of action. What do you do if you determine that a
2 PIP is not the appropriate course of action? What are
3 the alternative courses of action you've got?

4 A. So I could advise that the manager, you know,
5 continue coaching the employee and documenting the
6 conversations that they have with the employee via
7 e-mail, mid-year, end-year reviews, et cetera, or if the
8 situation is extremely severe, we could pursue more
9 severe discipline.

10 Q. Such as what?

11 A. I've had cases in the past where it's more of
12 an ethics and compliance thing. The manager comes to me
13 kind of in the vein of "This is my concern" and I feel
14 it's more of an ethics and compliance concern.

15 Q. Okay. And so that would warrant something more
16 along the lines, not of a PIP, but either some sort of
17 suspension --

18 A. Verbal warning or written warning without the
19 document.

20 Q. Got you. Or you could suspend the employee?

21 A. We typically never suspend employees.

22 Q. As a disciplinary step?

23 A. Except for in manufacturing, things along those
24 lines.

25 Q. Okay. But if it's a more serious issue, you'll

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1 either do documented verbal warning, written warning or
2 go ahead and terminate?

3 A. Typically, yes, with staff employees.

4 Q. Okay. What do you mean by "staff employees"?

5 A. In contrast with, you know, operators and
6 manufacturing.

7 Q. Okay. Ms. Noel was a staff employee?

8 A. Yes.

9 Q. Okay. Got you. And so you asked the manager
10 to -- if you decide that a PIP is appropriate, you ask
11 the manager to prepare a draft?

12 A. Yes.

13 Q. Okay. That HR then reviews?

14 A. Yes.

15 Q. Okay. And what are you reviewing it for?

16 A. Quality.

17 Q. All right. And what goes into the quality of a
18 PIP?

19 A. Typically, the first draft a manager provides
20 of a performance improvement plan has very vague goals
21 that would not be measurable, that we can't actually
22 determine whether or not the person has improved their
23 performance, and then I push back on them and tell them
24 to do better.

25 Q. Okay. Got you. So it doesn't follow the SMART

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1 plan?

2 A. Yes.

3 Q. Okay. Do you have any sense of how often or --
4 not how often, but what percentage of the time a PIP is
5 successful in getting the performance to come around to
6 an acceptable level?

7 A. I would say, in my experience, about 30 percent
8 of the time.

9 Q. Okay. What happens in the other 70 percent, in
10 your experience?

11 A. The performance does not improve. And I have
12 had cases where the employee chooses to resign. I've had
13 cases where the employee is terminated. I've had cases
14 where the -- you know, in this recent oil price downturn,
15 at the same time that we are trying to address a concern,
16 the worker goes away, the project is canceled. And in
17 that case, employees would be likely severed.

18 Q. Okay. Looking back at Exhibit 2 -- all right.
19 So before I ask you that, Exhibit 3 --

20 A. Uh-huh.

21 Q. -- is the discipline summary that you put
22 together?

23 A. Yeah.

24 Q. And you can just ballpark it for me, but can
25 you tell me roughly how long it took you to go through

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1 the documentation and put together Exhibit 3?

2 A. Three days.

3 Q. Three days straight, working nothing but that?

4 A. The week of New Year's 2014 I worked from home,
5 I believe, three days, and this is the only thing I
6 worked on.

7 Q. Okay. And you're talking about a regular
8 eight-, nine-hour workday?

9 A. Probably a little less than that.

10 Q. Okay.

11 A. But the entire workday, when I was working, I
12 was working on this.

13 Q. So somewhere in the neighborhood of 20 to 24
14 hours to put together that, is that --

15 A. Probably a good assessment?

16 Q. Okay. Is it fair to say that you looked at a
17 lot of documents --

18 A. Yes.

19 Q. -- in putting that together? Can you list for
20 me -- you can't sit here and tell me, without looking at
21 the document, maybe you could, but can you tell me
22 without looking at the document everything you looked at?

23 A. No.

24 Q. If you looked through the document, could you
25 tell me everything you looked at? Well, everything -- in

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1 other words, will everything that you looked at be
2 referenced in Exhibit 3 or is there some stuff that you
3 looked at that would not be somewhere identified in
4 Exhibit 3, or do you know?

5 A. I believe that not everything is referenced.
6 There were some e-mails that I did not feel added
7 anything to the summary.

8 Q. Okay. All right. So without telling me
9 everything that you looked at, specifically, tell me,
10 generally, what was your -- what was your process? And
11 let me, let me put some context to it, as well.

12 A. Okay.

13 Q. I know I asked you before, but I'm not sure
14 what your answer was, so I'll ask you again. When were
15 you asked to put together the discipline summary that's
16 Exhibit 3?

17 A. Early 2000 -- or early December 2014.

18 Q. Do you know why you didn't start working on it
19 until late December, almost the end of the year?

20 A. Because Alyssa gave me a deadline of
21 December 31st, and I chose to do it when I was working
22 from home because I knew that I would have long periods
23 of time undisturbed.

24 Q. Okay. And it appears that -- well, looking at
25 Exhibit 2, Ms. Snider started giving you documentation to

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1 look at beginning on December 21st, right?

2 A. In that time frame.

3 Q. Okay.

4 A. Middle of December.

5 Q. Do you recall Ms. Snider forwarding you a large
6 number of e-mails, one after another, on that Sunday
7 morning?

8 A. I don't think it was that Sunday morning, but
9 she did forward me several e-mails that had a bunch of
10 attachments.

11 Q. Okay. All right. So -- all right. So
12 Exhibit No. 2, for example,

13 A. Uh-huh.

14 Q. You received, obviously, Exhibit No. 2 to
15 review in preparation for putting together the discipline
16 summary, right?

17 A. Yes.

18 Q. And that was the purpose for why Ms. Snider
19 sent you Exhibit 2. It's so you would have this
20 information to put together that document that's
21 Exhibit 3; correct?

22 A. Yes.

23 Q. And then there were other documents that
24 Ms. Snider forwarded to you, right?

25 A. Yes.

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1 Q. All right. Not just Exhibit 2?

2 A. No.

3 Q. All right. So take me through your process as
4 far as getting -- to put together Exhibit 3.

5 A. So I printed out the e-mails, stapled, stapled
6 them so that they would be together, looked at the
7 e-mails that were -- had a lot of duplicates, because you
8 know how an e-mail chain -- sometimes I get an e-mail
9 that was forwarded kind of like halfway through the
10 e-mail chain and then I get the e-mail that was -- or at
11 the end of the chain.

12 So I would kind of dispose of the one
13 that -- the copy that had the middle and just find the
14 ones that had the full. Then I organized in time
15 continuum, like, had different piles for -- it was just
16 2011, this is 2012, et cetera. Then I went through and
17 read all the e-mails very, you know, specifically, and
18 highlighted what I thought was the most important. Then
19 I looked at the template and started filling out some of
20 the basic information that I am able to get from Shell
21 people. You know, such as the GPA comments, IPS, et
22 cetera.

23 Then I worked on the time line of events,
24 going off of -- as I said, I had piles based on what time
25 it was, and tried to summarize and attach the e-mails

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1 that I thought were most important.

2 Then I did the employee discipline history
3 section of putting the examples, some of the examples
4 that I felt were of her getting feedback and being
5 coached.

6 And then when I had done all of that, I
7 completed the recommendation and potential risks and
8 e-mailed it to Alyssa.

9 Q. Where are your notes?

10 A. There were no notes.

11 Q. You printed off the e-mail, right?

12 A. Uh-huh.

13 Q. Yes?

14 A. Yes.

15 Q. You didn't take any notes on the e-mail?

16 A. No.

17 Q. All you did was highlight it?

18 A. Yes.

19 Q. Okay. Where are those documents?

20 A. I shredded them.

21 Q. You shredded them?

22 A. Because I had the e-mails in e-mail format, and
23 I didn't think it good for confidentiality reasons to
24 have, you know, these e-mails just anywhere, so I
25 disposed of them.

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1 Q. Well, there is more than one alternative than
2 just shredding it. You could put it in a file, a
3 confidential file, right?

4 A. That's true.

5 Q. Okay. I mean, the discipline summary contains
6 confidential information, right?

7 A. Yes. But I felt that we had ways to better,
8 you know, keep that confidential, rather than -- hard
9 copies, I feel, are more apt to float around, more or
10 less. And since I hadn't added anything new to the
11 documents, I already had the same exact documents, I
12 didn't think it important to keep an additional copy that
13 I felt was less secure.

14 Q. Okay. When you are working with management
15 when they come to Human Resources for guidance with
16 respect to an employee, whether it's developing a PIP or
17 figuring out some alternative for handling the employee,
18 are there times that you ever get the sense that the
19 manager is not treating the employee appropriately?

20 A. Yes.

21 Q. What do you do in that regard when that
22 happens?

23 A. I would say the most common thing that I see or
24 what I would immediately commonly advise is that the
25 manager have more conversations with the employee about

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1 the concerns that they are seeing.

2 Q. Well, and I can appreciate that, but what if
3 you have a manager coming to you and you, from an HR
4 perspective, think that the employee is being treated
5 inappropriately, unlawfully, being discriminated against
6 or retaliated against in some way, how do you handle that
7 situation?

8 A. If I were to believe that there was something,
9 you know, unlawful going on, then I would start an
10 investigation.

11 Q. Has that ever happened? Have you ever had that
12 occasion where a manager has come to you and you think,
13 "Oh, something is not right here, I think that the
14 employee is being treated unlawfully," and you have
15 initiated an investigation? Do you recall that
16 circumstance actually happening before?

17 A. I don't recall having a manager coming to me to
18 discuss under-performance that I felt they were treating
19 the employee unlawfully. Typically, I feel like --
20 typically, when I think that an employee isn't being
21 treated appropriately, it's just that the manager isn't
22 communicating clearly enough with them.

23 Q. Okay. You, personally, in your job at Shell,
24 you have investigated allegations of discrimination
25 and/or retaliation, right?

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1 A. Yes.

2 Q. That's one of the things that you do, yes?

3 A. Yes.

4 Q. Have you ever found that retaliation was taking
5 place, that you can recall?

6 A. I'm trying to think through the cases.

7 Q. Sure.

8 A. I have not -- I have had cases of
9 discrimination, of, you know, alleged discrimination
10 before, but not many that I personally have investigated.

11 Q. Have you ever found discrimination actually
12 occurred?

13 A. I don't believe so.

14 Q. What about retaliation? Have you ever found
15 that retaliation was occurring or had occurred?

16 A. I don't believe so.

17 Q. If you would find that discrimination and/or
18 retaliation was occurring or had occurred, what steps
19 would you take?

20 A. Obviously, that depends on the specifics of the
21 situation.

22 Q. Sure.

23 A. But the individual who was, you know,
24 discriminating or retaliating against -- or retaliating,
25 we would need to address that through the formal

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1 discipline process.

2 Q. How would you do that? What steps would you,
3 what steps would you take?

4 A. I, personally, would speak with my manager to
5 determine, based on their -- they are, obviously, more
6 experienced than me, what's appropriate. We also would
7 likely engage legal, if we, if we thought -- if we were
8 concerned about potential risks. Those would be my two
9 first thoughts.

10 Q. Okay. So you would elevate it --

11 A. Yes.

12 Q. -- to get somebody else's input, and then it
13 would go from there, depending on what the input was?

14 A. Yes.

15 Q. Okay.

16 MR. AHMAD: Can we take just a
17 couple-of-minute break?

18 THE WITNESS: Sure.

19 (Brief recess from 11:42 a.m. to
20 11:55 a.m.)

21 (Exhibit No. 4 marked for identification.)

22 Q. (BY MR. AHMAD) All right. Ms. Rogers, are you
23 ready to proceed with your deposition?

24 A. Yes.

25 Q. Okay. You've been handed Exhibit 4 to your

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1 deposition. Do you recognize that document?

2 A. Yes.

3 Q. All right. And what is Exhibit 4.

4 A. It is an e-mail from Kerri Frannea with a
5 number of attachments to me and Alyssa that have to do
6 with the Cornelia Noel case.

7 Q. Okay. And when you say "the Cornelia Noel
8 case," as of December 9th, 2014, when the e-mail was
9 sent, what did you consider the, quote, unquote,
10 Cornelia Noel case to be?

11 A. I considered it to be my assignment to
12 summarize documents.

13 Q. Okay. So you already had the assignment as of
14 December 9th, 2014?

15 A. I believe so.

16 Q. And do you recall reviewing these attachments?

17 A. I reviewed them as part of compiling the
18 document, but I do not believe I reviewed them until the
19 last week of December.

20 Q. Okay. There is one attachment that's
21 forwarded. The subject is, "I can finally smile again
22 with a song in my heart," do you see that?

23 A. Yes.

24 Q. Do you recall what that was all about?

25 A. I recall that it was a long e-mail that

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1 Ms. Noel wrote. I don't remember what was in it or who
2 it was to.

3 Q. Exhibit 3 is the discipline summary, is that
4 right?

5 A. Yes.

6 Q. Okay.

7 (Exhibit No. 5 marked for identification.)

8 Q. (BY MR. AHMAD) That is Exhibit 5 to your
9 deposition. Do you recognize that document?

10 A. Yes.

11 Q. Okay. And this is an e-mail in March of 2015,
12 right?

13 A. Yes.

14 Q. And the subject is "CN Case." I assume that
15 stands for "Cornelia Noel case"?

16 A. Yes.

17 Q. All right. In March of 2015, what did you
18 understand the Cornelia Noel case to be?

19 A. I knew that Alyssa was investigating concerns
20 brought by Cornelia Noel.

21 Q. Okay.

22 A. And obviously I completed the discipline
23 summary, so I had a general awareness of what some of
24 those concerns were.

25 Q. Okay.

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1 A. At least in the past.

2 Q. Okay. The discipline summary that's Exhibit 3,
3 there are a couple of references in the document,
4 references to Ms. Noel's concerns, right?

5 A. Yes.

6 Q. We talked about those earlier?

7 A. Yes.

8 Q. The vast majority of what's in Exhibit 3 is not
9 Ms. Noel's concerns that she raised, right?

10 A. Correct. I would characterize it as a summary
11 of the e-mail documentation.

12 Q. Well, it's a summary of the --

13 A. And some of the e-mails concerned concerns that
14 Ms. Noel had raised.

15 Q. Right.

16 A. That's correct.

17 Q. Yes. There are a couple of references to those
18 concerns, but the vast majority is what I guess you and
19 Ms. Snider considered to be disciplinary action taken
20 against Ms. Noel, is that fair? And that's why it's
21 called a discipline summary, you were summarizing the
22 discipline that Ms. Noel had received?

23 A. I wouldn't call it discipline.

24 Q. What would you call it?

25 A. I would call it the coaching and feedback that

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1 she had been given. The reason why it says "discipline
2 summary" is that's what the template said. And in that
3 case there was more formal discipline, so, perhaps, it
4 was more appropriate in that case than in this one, but I
5 did not change the name.

6 Q. It's fair to say, isn't it, that the reason
7 Ms. Snider wanted you to put together the discipline
8 summary document, why she used that template, is because
9 Ms. Snider was trying to determine if termination of
10 Ms. Noel was warranted at that time?

11 MS. MOXLEY: Objection, no showing of
12 personal knowledge.

13 A. No. I would say that the reason why Alyssa
14 provided me this particular template is because it was a
15 case in which there was also a large amount of documents
16 that needed to be organized in a time line.

17 Q. (BY MR. AHMAD) I understand that. But setting
18 aside the actual template --

19 A. Uh-huh.

20 Q. -- the reason Ms. Snider gave you that
21 assignment is Ms. Snider wanted to look to see if
22 termination of Ms. Noel was warranted at that time,
23 right?

24 MS. MOXLEY: Objection, no showing of
25 personal knowledge.

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1 A. I can't say for sure. My -- based on my
2 conversation with Alyssa when she assigned me this
3 assignment, my understanding was it really was just to
4 summarize all these documents and to have someone read
5 them all, because there was a lot of them. It took me
6 three days.

7 Q. (BY MR. AHMAD) Well, sure. No, I understand
8 that, but, I mean, you don't just go around summarizing
9 e-mails, summarizing documents for no reason, for no
10 purpose. There was a purpose behind it that Ms. Snider
11 had, right?

12 MS. MOXLEY: Objection, no showing of
13 personal knowledge.

14 Q. (BY MR. AHMAD) Do you think that Ms. Snider
15 might have done this with absolutely no purpose behind it
16 in her mind at all?

17 A. No.

18 Q. Okay.

19 A. I believe that the purpose was so that we could
20 have all of these resources summarized in an -- easy to
21 get the key points.

22 Q. Okay. But summarized for what purpose?

23 MS. MOXLEY: Objection, no showing of
24 personal knowledge.

25 Q. (BY MR. AHMAD) If you know.

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1 A. Obviously, I can't say for certain.

2 Q. Okay. Because Ms. Snider didn't tell you a
3 specific purpose?

4 A. She told me that the purpose was to summarize
5 all of these documents because she doesn't have time to
6 do it herself.

7 Q. Well, that's the task.

8 A. Yes.

9 Q. Summarizing is the task. The purpose for the
10 task is something that --

11 A. She told me that it was an ongoing employee
12 relations issue.

13 Q. Okay. Got you. Exhibit 5, Ms. Snider refers
14 to the time line for Cornelia?

15 A. Yes.

16 Q. Okay. Is that the discipline summary that
17 you're referring to?

18 A. Yes, that's generally what we refer to it as.

19 Q. Okay. And you never updated the discipline
20 summary or the time line after receiving Exhibit 5,
21 right?

22 A. I believe I did; however, it's quite possible
23 that I never updated the "as of December 31st."

24 Q. Okay.

25 A. And that would be an oversight.

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1 Q. Well, do you specifically recall one way or the
2 other?

3 A. I feel confident that if Alyssa asked me to do
4 it, I did it; but I don't remember sitting at my computer
5 doing it, per se.

6 Q. Okay. So you think you did, but you don't have
7 a specific recollection of doing it?

8 A. Correct.

9 Q. In the discipline summary, on the left-hand
10 side, it's set up on the left-hand side, there is a date,
11 and I guess that's why you called it a time line, right?
12 It's in chronological order once you get into the actual
13 meat of the document?

14 A. Yes.

15 Q. All right. And in the middle is a description?

16 A. The middle is a summary of the e-mails and the
17 relevant e-mails or documents are in the right column.

18 Q. Okay. And then what does that mean? What's in
19 the right column? Are those attachments to this?

20 A. Yes.

21 Q. Okay.

22 A. Or links.

23 Q. Links?

24 A. So you could click on it and it would pop up.

25 Q. So how did you go about doing this? You just,

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1 like, had the document and then you were basically typing
2 up a summary or --

3 A. Yes.

4 Q. As you're going through each document?

5 A. Yes. I believe first I went through the
6 documents and determined the ones that I thought were
7 significant enough to put in the time line and then I
8 summarized those in chronological order.

9 Q. How did you determine which portions from a
10 document to include in your summary?

11 A. A lot of that was just a judgment call, but I
12 specifically was looking for, you know, feedback and
13 coaching that Cornelia had been given. You know, when
14 she raised concerns, that was significant. And just
15 information that I thought was key to kind of understand
16 the time line of events.

17 Q. And you -- I think we talked earlier. You
18 don't know -- or maybe you do. On the front page of
19 Exhibit 3, there is an equated date.

20 A. Yes.

21 Q. What does that mean?

22 A. That would be the date that she, Cornelia,
23 joined Shell. Equated service date.

24 Q. Okay. And so she joined in January of 2008?

25 A. Yes.

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1 Q. And so I take it that you went back to
2 January of 2008 for the relevant documentation?

3 A. No. I only utilized the documents that I had
4 been provided.

5 Q. Okay. So whoever provided you the documents
6 went back as far as she started, as far as you can tell?

7 A. I don't believe there were any documents that
8 went back that far, because my understanding is that the
9 real concerns didn't come to light until the 2011 time
10 frame. Or, well, here's one in 2009, late 2009.

11 Q. Okay.

12 A. So that's the earliest that I received.

13 Q. All right. And so, as far as you know, the
14 documents that they reviewed to give to you to summarize,
15 they went back, as far back as she started with Shell, is
16 that fair?

17 A. I can't say for certain. My, my take would be
18 that they sent what they thought were relevant, so when,
19 you know, concerns were raised and when there were issues
20 brought to light, HR typically doesn't hear a peep until
21 something is going bad.

22 Q. What is an IPF?

23 A. An individual performance factor.

24 Q. Okay. And that goes year to year -- well, each
25 year an employee is given an IPF?

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1 A. Yes.

2 Q. And it's a number?

3 A. Yes.

4 Q. Okay. And it might stay the same or it might
5 go up, it might go down?

6 A. Yes.

7 Q. Okay. And when it goes down over a period of
8 time, in your view, that shows a decline in performance,
9 right?

10 A. A decline in relative performance against their
11 peers.

12 Q. Well, it shows a decline in performance, right?

13 A. Not necessarily. An IPF is a measure of
14 relative performance against your peers.

15 Q. What's the difference?

16 A. It's not an absolute number. So I can't say,
17 "Oh, a 1.0 means you're meeting expectations and a .7
18 means that you're under-performing, because it's relative
19 against your peers in that year, and that peer group
20 changes every year.

21 Q. Okay. So just because somebody's IPF may go
22 down over a period of time does not mean, necessarily,
23 that their performance has declined?

24 A. I would say generally it's a signal that that
25 is likely, but it does not absolutely say that because

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1 maybe that particular year all of the peers in their job
2 grade were just doing phenomenal work, and while they
3 still -- you're meeting expectations and performing at
4 the same absolute levels they had the year past, compared
5 to their peers they didn't deliver as much.

6 Q. So how do you know which is the case? How do
7 you know whether it's a decline in performance or whether
8 the peers around the employee just got better?

9 A. It's difficult to tell.

10 Q. But how do you tell? I understand it may be
11 difficult, but how do you go about determining that?

12 A. You can never know for certain, but by talking
13 to managers, especially if a manager had seen -- had been
14 involved in, you know, both IPF sessions, they should be
15 able to add context.

16 Q. Who was Ms. Noel's manager at the time?

17 A. Gouri.

18 Q. At the time you put together the summary?

19 A. Yes.

20 Q. Okay. And you did not speak to Gouri about
21 Ms. Noel's 2014 IPF?

22 A. No.

23 Q. Okay.

24 A. I pulled it from Shell people.

25 Q. What does that mean?

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1 A. That's our HR online system.

2 Q. Okay. It's a system?

3 A. Yes.

4 Q. You didn't talk to anybody about Ms. Noel's
5 IPF?

6 A. No.

7 Q. Okay. You just got that number from the
8 system?

9 A. Yes.

10 Q. And put it down in the discipline summary?

11 A. Yes.

12 Q. Why?

13 A. Because it's part of the relevant background
14 information that you would include on a document like
15 this.

16 Q. Why?

17 A. It provides additional context.

18 Q. How so?

19 A. Because it can, it can -- it's the only measure
20 that we have to discuss performance in -- very simply,
21 just, you know, you see -- there is -- obviously, you
22 react differently to seeing, you know, a .2 and a 1.5.

23 Q. Right. But I thought you told me that you
24 couldn't really tell much from it until you talked to the
25 manager or you talked to the people.

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1 A. You asked me before if, if a lower IPF year to
2 year would automatically indicate a lower level of
3 performance, and I said that you can't tell unless you
4 talk to a manager if they have that knowledge.

5 Q. Okay. But you never got that knowledge?

6 A. No.

7 Q. And, yet, you put in the discipline summary
8 that Ms. Noel's IPF history portrays an individual with a
9 sharp decline in performance.

10 A. I did.

11 Q. Okay. Nothing about relative to her peers, is
12 it?

13 A. In the last sentence, it says, "Recent IPFs are
14 more reflective of Cornelia's comparative performance
15 with her peers."

16 Q. But how do you know that?

17 A. It was my understanding based on reading the
18 e-mails.

19 Q. Okay. But you didn't talk to anybody?

20 A. Specifically, Gouri's e-mail in Exhibit 2 led
21 me to believe that to be the case, but I did not speak
22 directly with Gouri about that.

23 Q. What would you have had to have done to speak
24 with Gouri? How difficult of a task would that be?

25 A. Not difficult.

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1 (Exhibit No. 6 marked for identification.)

2 Q. (BY MR. AHMAD) All right. Ms. Rogers, that is
3 Exhibit 6 to your deposition. Do you recognize that
4 document?

5 A. Yes.

6 Q. All right. And go ahead and take a minute to
7 review it. Is this one of the documents that you
8 reviewed in preparation for putting together your
9 discipline summary?

10 A. I can't say for certain, but I don't see why it
11 wouldn't be.

12 Q. Okay. And that's one that Ms. Snider forwarded
13 to you at 6:00 in the morning on Sunday, December 21st,
14 right?

15 A. Yes.

16 Q. How do you know if this document went into
17 your discipline summary at all? Do you have a way of
18 telling?

19 A. I would have to look at the summary and see if
20 it was one of the e-mails I summarized and attached.

21 Q. Okay. Can you do that?

22 A. Yes, I did.

23 Q. Okay. So at some point while you were putting
24 together the discipline summary for Ms. Noel you reviewed
25 Exhibit 6?

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1 A. Yes.

2 Q. Okay. Who is Jamie Allen?

3 A. Jamie Allen was the HR and the business person
4 for PTPD, our deepwater projects at this time.

5 Q. All right. And did you know Ms. Allen?

6 A. Yes.

7 Q. Does she still work here?

8 A. At Shell, yes.

9 Q. Okay. In Houston?

10 A. No.

11 Q. Where does she work?

12 A. Convent, Louisiana.

13 Q. Did she ever work in Houston?

14 A. Yes. At this time, she worked in Houston.

15 Q. All right. Did you ever speak to her about
16 Ms. Noel?

17 A. Yes.

18 Q. And what did y'all talk about?

19 A. I spoke with her at the meeting that I
20 mentioned before with Jerry Jackson and, I think, Debo,
21 but -- yeah, Debo.

22 Q. Which would have been when?

23 A. Q1 2015.

24 Q. What was the purpose of that meeting?

25 A. That was when Alyssa was investigating

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1 Ms. Noel's concerns and I was the scribe.

2 Q. Okay.

3 A. And Jamie assisted Alyssa in asking questions.

4 Q. Asking questions about what?

5 A. I mentioned before the things that I remember
6 specifically that Alyssa and Jamie asked questions about
7 were, you know, Nigeria car policy and Nigeria cell phone
8 policy and things along those lines.

9 Q. Do you recall discussing why Ms. Noel was
10 repatriated?

11 A. I don't recall, specifically, but I would
12 assume that was a topic of conversation.

13 Q. And do you recall what was discussed in that
14 regard?

15 A. No.

16 Q. All right. You talked about a meeting that was
17 held in late 2014.

18 A. Yes.

19 Q. And who all was present for that meeting?

20 MS. MOXLEY: Objection, asked and
21 answered.

22 Q. (BY MR. AHMAD) You can answer.

23 A. Me, Alyssa, Doug Peart and Gouri.

24 Q. Okay. And how long was that meeting?

25 A. 30 minutes.

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1 Q. How do you remember that?

2 A. How do I remember that it was 30 minutes?

3 Q. Yeah.

4 A. It wasn't a long, drawn-out conversation. I
5 specifically remember the kind of interview with the
6 Nigeria folks as being a long time and a lot of typing.

7 Q. What do you mean "the interview with the
8 Nigeria folks"?

9 A. That's the meeting that I just discussed, I
10 just mentioned, where we --

11 Q. Oh, I see.

12 A. Yeah.

13 Q. So it was much longer than 30 minutes?

14 A. That one I remember as much longer.

15 Q. Okay.

16 A. So I'm assuming that this meeting in 2014 was
17 more along the line of 30 minutes.

18 Q. Got you. And what was discussed during that
19 meeting?

20 MS. MOXLEY: Objection, asked and
21 answered.

22 A. From what I remember, Doug and Gouri, you know,
23 discussed some of the things that had occurred since
24 Ms. Noel had been repatriated to Houston and were asking
25 Alyssa for advice on how to handle the situation.

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1 Q. And what was the situation?

2 A. I believe it was along the lines of what is
3 listed in Exhibit 2.

4 Q. Okay.

5 A. Behavioral issues.

6 Q. Do you recall any discussion of terminating
7 Ms. Noel's employment during that meeting?

8 A. Yes, I believe it came up as one of the
9 potential outcomes.

10 Q. What was discussed about that?

11 A. Just I remember Alyssa saying things like, "We
12 may" -- as far as next steps, "We may need to" -- you
13 know, "There are a variety of ways we can try to address
14 this situation."

15 Q. And what were those ways, did she say?

16 A. One was termination, another would have been, I
17 believe, maybe written warning and performance
18 improvement plan. Things along those lines.

19 Q. Anything else you recall from the meeting?

20 A. No.

21 Q. So taking a look at -- all right. So where on
22 the discipline summary did you see the reference to
23 Exhibit 6? How do we know that it's included in there
24 and that you read it?

25 A. It is Page 11, the row that says "March 4,

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1 2014," and on the column with the attachment, it appears
2 to be the same -- the e-mail appears to have the same
3 title.

4 Q. Okay. All right. And in that you state,
5 "Jamie Allen helps steer Cornelia's Nigeria supervisors
6 on what coaching to provide her on her repatriation,"
7 right?

8 A. Yes.

9 Q. Okay. "The working relationships between you
10 and various others" -- so you actually quote from the
11 e-mail?

12 A. Yes.

13 Q. Okay. All right. So looking at Exhibit 6, the
14 quote -- in that language, Ms. Allen actually states why
15 Ms. Noel was chosen for repatriation, right?

16 MS. MOXLEY: Objection, mischaracterizes
17 the document.

18 A. My take on this e-mail is that it is Jamie
19 summarizing to management, you know, next steps, as well
20 as coaching Jerry on what -- how to approach his
21 conversation with Cornelia.

22 Q. (BY MR. AHMAD) Right. And in doing that,
23 Ms. Allen would have obviously been briefed on the
24 situation, right?

25 A. Yes.

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1 Q. Okay. And in her e-mail she actually sets
2 forth the specific reason for why Ms. Noel was chosen for
3 repatriation; correct?

4 MS. MOXLEY: Objection, mischaracterizes
5 the document.

6 Q. (BY MR. AHMAD) Doesn't she state that directly
7 in the e-mail?

8 MS. MOXLEY: Objection, mischaracterizes
9 the document.

10 A. I don't think I personally would go so far as
11 to say that. I really think it's Jamie coaching Jerry on
12 how to approach his conversation with Cornelia.

13 Q. (BY MR. AHMAD) Sure. Well, let's, let's take
14 a look at that. The last part of the italicized portion,
15 she states, "Therefore, we will be repatriating you to,"
16 and then it's "XYZ" job because they didn't know what job
17 she was going to have, right?

18 A. Yes.

19 MS. MOXLEY: Objection, no showing of
20 personal knowledge.

21 Q. (BY MR. AHMAD) -- "reporting to name," because
22 they didn't know who she was going to report to, right?

23 MS. MOXLEY: Objection, no showing of
24 personal knowledge.

25 Q. (BY MR. AHMAD) Right? That's why she didn't

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1 put the specific job in the specific report?

2 MS. MOXLEY: Objection, no showing of
3 personal knowledge.

4 A. Obviously, I can't say for certain, but I would
5 assume, based on --

6 Q. (BY MR. AHMAD) Sure. "So, therefore, we will
7 be repatriating you." So what's the reason listed by
8 Jamie before the "therefore"?

9 MS. MOXLEY: Objection, mischaracterizes
10 the document.

11 A. I think that you also need to take in
12 consideration the sentence before.

13 Q. Okay.

14 MR. AHMAD: Well, I'm just going to object
15 as nonresponsive.

16 Q. (BY MR. AHMAD) I asked you a very specific
17 question. So when she states "Therefore, we will be
18 repatriating you," what's the language before the
19 "therefore," the basis for the repatriation, according to
20 Ms. Allen?

21 MS. MOXLEY: Objection, mischaracterizes
22 the document.

23 Q. (BY MR. AHMAD) Could you read that for me,
24 please?

25 A. "You have raised your own concerns about the

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1 work environment."

2 Q. So that's what Ms. Allen states, right?

3 A. Yes.

4 Q. "You have raised your own concerns about the
5 work environment, therefore, we will be repatriating
6 you," right?

7 A. That is what the e-mail says.

8 Q. Okay.

9 A. However, I think that the greater context gives
10 more background -- the previous statements give more
11 background and context to why she stated that in that
12 way.

13 Q. Well, no context is needed, is there?

14 MS. MOXLEY: Objection, argumentative.

15 A. I think there is.

16 Q. (BY MR. AHMAD) Why is that? Why do you think
17 that?

18 A. Because I think that the greater context -- it
19 better shows the intent that I see from this statement,
20 which, as I said before, was to coach Jerry on how to
21 have his conversation with Cornelia.

22 Q. And she coaches Jerry. And that's
23 Jerry Jackson, right?

24 A. Yes.

25 Q. Okay. She is coaching Jerry to tell Ms. Noel

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1 the reason for the repatriation, right?

2 MS. MOXLEY: Objection, mischaracterizes
3 the document.

4 A. No.

5 Q. (BY MR. AHMAD) No, you don't believe so. Why
6 is that language in there?

7 MS. MOXLEY: Objection, no showing of
8 personal knowledge.

9 A. I didn't write it, so I don't know.

10 Q. (BY MR. AHMAD) Did you ask Ms. Allen why she
11 put that in there?

12 A. No.

13 Q. That statement, that, "You have raised your own
14 concerns about the work environment, therefore we will be
15 repatriating you," from an HR perspective, that's
16 concerning to see, is that fair?

17 MS. MOXLEY: Objection, argumentative.

18 A. I think that the greater -- in the greater
19 context it concerns me less than if I were to see only
20 that sentence.

21 Q. (BY MR. AHMAD) Okay. Well, it might concern
22 you less, but it still concerns you, right?

23 A. I can't say exactly what was meant because I
24 did not write this.

25 Q. But you're in Human Resources?

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1 A. That's correct.

2 Q. Okay. And that's why I'm asking you. From
3 your perspective in Human Resources. Okay?

4 A. Due to the greater context of the italicized
5 statement, I was not very concerned when I read this,
6 because, as I said before, I truly believed that Jamie
7 was coaching Jerry on how to approach his conversation
8 with Cornelia.

9 Q. Let me ask you this, and then I'll get back to
10 my question.

11 MR. AHMAD: I'm going to object as
12 nonresponsive.

13 Q. (BY MR. AHMAD) So let me ask you this: When
14 somebody complains that they are being treated illegally
15 in the workplace --

16 A. Yes.

17 Q. -- can that complaint -- can that damage the
18 relationship between the employee and the manager who is
19 being complained about?

20 A. Yes.

21 Q. All right. So that's one of the ways that you
22 can damage relationships, is by complaining of illegal
23 conduct, fair?

24 A. I would say you can damage a relationship with
25 a specific -- not necessarily by complaining about the

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1 conduct, just the fact that it happens at all can damage
2 the relationship.

3 Q. The complaint?

4 A. The discrimination or retaliation --

5 Q. Well, sure.

6 A. -- and everything.

7 Q. Okay. Well, that's a good point, too. A
8 relationship can be damaged because an employee is being
9 discriminated against or retaliated against, right?

10 A. Yes.

11 Q. A relationship can be damaged because the
12 employee complains about that, right?

13 A. Yes.

14 Q. Okay. So there are multiple ways for a
15 relationship that an employee has with other folks,
16 whether it be co-workers or managers, there are multiple
17 ways that those relationships can be damaged, fair?

18 A. Yes.

19 Q. Okay. All right. So going back to my
20 question: From a Human Resources perspective -- by the
21 way, how long have you worked in Human Resources?

22 A. Two and a half years.

23 Q. All right. And you started when?

24 A. July 2014.

25 Q. Okay. So right around the time that Ms. Noel

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1 was being repatriated?

2 A. Yes.

3 Q. All right. What did you do before going to
4 work for Shell in 2014?

5 A. I was a student.

6 Q. Okay. Where?

7 A. Cornell.

8 Q. All right. And where did you go to high
9 school?

10 A. New Jersey.

11 Q. What part?

12 A. Parsippany.

13 Q. Okay. And when did you graduate from Cornell?

14 A. May 2014.

15 Q. And what kind of degree?

16 A. I have a Bachelor's in industrial and labor
17 relations.

18 Q. Okay. All right. So from a Human Resources
19 perspective, hearing that somebody is being repatriated
20 because they raised concerns about their work
21 environment, that statement, in and of itself, concerns
22 you from an HR perspective?

23 MS. MOXLEY: Objection, argumentative.

24 Objection, mischaracterizes the document.

25 Q. (BY MR. AHMAD) True or false?

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1 MS. MOXLEY: Same objection.

2 MR. AHMAD: I'm not referring to any
3 particular document, so I don't know why you said that.

4 A. Generically --

5 Q. (BY MR. AHMAD) Yes.

6 A. -- that would concern me.

7 Q. Okay. Did you do anything to investigate the
8 statement on Exhibit 6?

9 A. I do not believe that this document falls into
10 your previous question, because, as I said before, the
11 full context, I do not believe that the reason why
12 Ms. Cornelia was repatriated was solely because she
13 raised concerns about her work environment. The reason
14 why is because of all the e-mails that I've read. That's
15 why I don't believe that. And also because of the
16 previous statements here.

17 Q. Well, yeah. Ms. Allen -- well, hold on.

18 MR. AHMAD: Let me object as
19 nonresponsive.

20 Q. (BY MR. AHMAD) And let me get back to my
21 question and then we'll talk about that. Okay?

22 So you did nothing to investigate
23 Ms. Allen's statement that appears on Exhibit 6; correct?

24 A. No.

25 Q. That's not correct?

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1 A. No, I did nothing to investigate.

2 Q. Okay. So that is correct? You did nothing to
3 investigate?

4 A. Yes.

5 Q. Okay. All right. And what is it about the
6 context, what is it about the other things -- you
7 mentioned language before that statement. Point the
8 language to me that tells you, from an HR perspective,
9 that you should not be concerned that she is being
10 repatriated due to concerns that she raised about her
11 work environment.

12 A. Things like, "An expatriate assignment is not
13 just about your technical ability. It is also about
14 engaging with a team in a local environment and you have
15 not demonstrated you can do this successfully. You have
16 also raised your own concerns about the work
17 environment."

18 Q. Okay.

19 A. So I think what she is trying to portray here
20 is that it's not just about the technical ability. You
21 also, in order to be successful in an expatriate
22 assignment, or, frankly, any assignment, need to be
23 engaged with the team, and that has been proven over the
24 course of time to not -- Cornelia has not been able to do
25 that successfully with this particular team.

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1 Q. Do you think it's because she was being
2 discriminated against?

3 A. I personally do not believe that there is
4 evidence to say that she was discriminated against.

5 Q. Well, you didn't investigate it.

6 A. Because I didn't investigate it, I can't say
7 that for certain.

8 Q. Right. Ms. Allen states in the first sentence
9 that, "Working relationships between you and various
10 others have deteriorated to the point it is having a
11 significant effect on the project." Did I read that
12 correctly?

13 A. Yes.

14 Q. Okay. Sitting here today, you don't know why
15 the relationships deteriorated, right?

16 A. Not for certain, no.

17 Q. Okay. Ms. Noel was saying that they were
18 deteriorated because she was being discriminated against
19 and because she complained of discrimination, right?

20 A. Yes.

21 Q. Okay. I mean, you have no idea whether that,
22 that perception on Ms. Noel's part is true or false,
23 right?

24 A. Not for certain, but my -- I did not see any
25 evidence that would lead me to believe that there was

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1 basis in the claim.

2 Q. Well, I know. We talked about that.

3 A. Yeah.

4 Q. But you didn't investigate anybody. You didn't
5 do any of the steps that you would do if you were
6 actually investigating this from an HR perspective,
7 right?

8 A. Yes.

9 Q. Okay. And so, you know, the fact that you
10 didn't see any evidence of it, that's really not
11 significant here because you didn't investigate it,
12 right?

13 MS. MOXLEY: Objection, argumentative.

14 Q. (BY MR. AHMAD) Right?

15 MS. MOXLEY: Same objection. You can
16 answer.

17 A. If you're asking about -- so as far as my
18 recommendation goes, it was only based on, obviously, the
19 things that I reviewed.

20 Q. (BY MR. AHMAD) Sure. Okay. Fair enough.
21 Now, we talked a little bit earlier, the statement that,
22 "You have raised your own concerns about the work
23 environment, therefore, we'll be repatriating you," that,
24 on some level, can be concerning from an HR perspective,
25 right?

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1 A. That statement in isolation, yes, can be
2 concerning.

3 Q. Okay. You know, I noticed that on your
4 discipline summary you quote from a good part of the
5 section, but you didn't include that quote about the
6 reason she was being repatriated, did you, in your
7 discipline summary?

8 MS. MOXLEY: Objection, mischaracterizes
9 the document.

10 Q. (BY MR. AHMAD) You left that out.

11 MS. MOXLEY: Same objection.

12 A. I do not believe that that is the reason why
13 Ms. Noel was repatriated.

14 Q. (BY MR. AHMAD) What is the reason why?

15 A. I believe that the reason why I included some
16 part -- the earlier part of the statement is because, as
17 I said before, I would say in summarizing this e-mail I
18 think that is Jamie coaching Jerry on how to have this
19 conversation with Cornelia, which is what I say in the
20 document.

21 Q. Sure. But that's to -- she is coaching him on
22 how to communicate to Ms. Noel that she's being
23 repatriated, right?

24 A. Yes.

25 Q. So one of the things you would put in

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1 communicating that an employee is being repatriated is to
2 tell them why they are being repatriated, fair?

3 MS. MOXLEY: Objection, argumentative.

4 A. Yes.

5 Q. (BY MR. AHMAD) Okay. And that's why Ms. Allen
6 included that language in the e-mail, right?

7 MS. MOXLEY: Objection, argumentative.

8 Objection, no showing of personal knowledge.

9 Q. (BY MR. AHMAD) Is that a fair interpretation
10 of the document?

11 MS. MOXLEY: Objection, argumentative.

12 Objection, no showing of personal knowledge. Objection,
13 mischaracterizes the document.

14 A. I didn't write it. I don't know what was in
15 Jamie's head when she was writing it. I don't --

16 Q. Because you didn't ask her?

17 A. No.

18 Q. Okay. But it's a fair interpretation of the
19 document that that's why she included that language in
20 there, is because if you're going to sit down with an
21 employee and tell them that they are being repatriated,
22 one of the things that you want to tell them is why,
23 right?

24 MS. MOXLEY: Objection, mischaracterizes
25 the document.

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1 A. I think it's difficult to say what is fair and
2 what is not fair a lot of times, and I don't feel that I,
3 in this case, can say what was fair and what was not
4 fair, just because of lack of knowledge.

5 Q. (BY MR. AHMAD) Well, let me ask it a different
6 way. If an employee is going to be told that they are
7 being repatriated from their assignment early, before
8 it's scheduled to end, do you think that the employee's
9 first question is going to be "Why?"

10 A. Yes.

11 Q. Okay. If Human Resources had recommended a
12 personal improvement plan for Ms. Noel, instead of you
13 recommending termination, if she had been recommended --
14 or if you had recommended that she be put on a personal
15 improvement plan, that would have been about a 90-day
16 personal improvement plan, right?

17 A. A typical personal improvement is 90 days.

18 Q. And so if she were put on that effective
19 January 1st, that would go through the end of March,
20 right?

21 A. Yes.

22 Q. Okay. What's the harm in doing that? As of
23 January 1st, 2015, why not put Ms. Noel on a PIP in
24 accordance with the SMART plan?

25 MS. MOXLEY: Objection, argumentative.

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1 Objection, mischaracterizes the witness' prior testimony.

2 A. Are you asking me why I recommended termination
3 rather than a performance improvement plan?

4 Q. (BY MR. AHMAD) No.

5 A. Then I don't think I understand your question.

6 Q. Sure. Was there any harm in putting Ms. Noel
7 on a personal improvement plan in December of 2014?

8 A. What do you mean by "harm"?

9 Q. You don't know what "harm" means?

10 MS. MOXLEY: I think she's asked you to
11 clarify your question.

12 A. Yeah. I think -- can you clarify your
13 question? I feel like "harm" is very broad and has
14 specific, you know, implications which I don't know if I
15 fully understand.

16 Q. Okay. Why not put Ms. Noel on a PIP in
17 December of 2014?

18 A. I did not recommend placing Ms. Noel on a PIP
19 because I felt that it would, it would not help the
20 situation because of the severity of the behavioral
21 issues that I saw documented in these e-mails.

22 Q. Well, we talked earlier, in your experience,
23 about 30 percent of the time a PIP can be effective,
24 right?

25 A. That's correct.

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1 Q. Okay. And the reason a PIP can be effective is
2 because it is required to follow a specific set of
3 guidelines, the SMART plan, right? Is it SMART plan,
4 SMART goals?

5 A. SMART goals, performance improvement plan.

6 Q. Yeah. And you understand, from an HR
7 perspective, when goals or performance issues are
8 specific, an employee can respond much better to that
9 kind of feedback when the performance allegations are
10 specific, right?

11 A. That's correct.

12 Q. And that's why they are required to be specific
13 under the SMART plan, right?

14 A. That's correct.

15 Q. And measurable, right?

16 A. Yes.

17 Q. Okay.

18 A. I did not recommend it in this circumstance
19 because I believe, personally believe that in order for a
20 performance improvement plan to have any chance of being
21 effective, the first thing is that the employee needs to
22 take personal responsibility for their part in the
23 performance concerns and also want to improve.

24 Q. So if an employee is being discriminated
25 against, and they are told they are performing poorly

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1 because of discrimination, is that employee also supposed
2 to accept responsibility, even if that is -- even if that
3 motivation for the performance evaluation is unlawful?
4 Is an employee really supposed to take responsibility for
5 that?

6 MS. MOXLEY: Objection, argumentative.

7 A. Of course, if there is discrimination, that is
8 the most important part; however, in this particular
9 case, based on the e-mails that I read, I did not see any
10 clear discrimination, and I also -- the concerns were
11 investigated and they did not find any basis for the
12 concerns.

13 Q. (BY MR. AHMAD) How do you know that? I
14 thought you didn't see the results of the investigation.

15 A. My confidence is that we would not have -- if
16 there was discrimination, that would have been addressed.

17 Q. Okay. So you have confidence in Shell's HR
18 department?

19 A. Yes.

20 Q. Okay. And so you're confident that if Ms. Noel
21 raised allegations, then they would have been
22 investigated and the investigation would have been
23 thorough and the investigation would have reached the
24 right conclusion?

25 A. Yeah.

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1 Q. Okay. Let's assume for a moment that an
2 employee is being attacked, an employee's performance is
3 being attacked because there is discrimination going on.
4 Okay? You have a supervisor who is discriminating
5 against an employee and one of the forms of
6 discrimination can be a bad performance review or an
7 attack on performance, right?

8 A. Yes.

9 Q. Okay. And so if that's the motivation under
10 that scenario, an employee is being, their performance is
11 being attacked based on some impermissible motivation, is
12 it your opinion that the employee is simply supposed to
13 just accept responsibility for whatever those criticisms
14 are?

15 A. No.

16 Q. Okay. You took a number of documents, a
17 mountain of information, and you condensed it into a
18 12-page document, right?

19 MS. MOXLEY: Objection, mischaracterizes
20 the document.

21 A. I took a number of e-mails and condensed it to
22 a 12-page document.

23 Q. (BY MR. AHMAD) It is 12 pages, right?

24 MS. MOXLEY: Objection, mischaracterizes
25 the document.

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1 A. The last number on the last page is 12, so I
2 would assume it's 12.

3 Q. (BY MR. AHMAD) Okay. You could have very
4 easily taken this and converted it into a format that was
5 your PIP format with specific feedback to the employee,
6 right?

7 A. No.

8 Q. Okay. Why not?

9 A. Because it's important that the PIP be written
10 by the manager who has direct -- has directly witnessed
11 the areas of under-performance.

12 Q. Why is that?

13 A. Because I can't provide specific examples of
14 the under-performance and I also can't really come up
15 with specific goals because I don't know what exactly the
16 work that a specific employee should be doing and what's
17 going on in the department and things like that.

18 Q. Okay. So are you saying that without talking
19 to some other folks you would have no idea what to put as
20 far as the corrective behavior that Ms. Noel has to
21 engage in?

22 A. That's correct.

23 Q. Okay. And without talking to others, you would
24 have no idea what to put in a PIP as far as the specific
25 performance issues that Ms. Noel had?

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1 A. I could, I could theorize on what some of those
2 would be based on the e-mails that I read, but we always
3 look for people that have the personal, have seen it and
4 can describe it and provide us a specific example, which
5 would not be me.

6 Q. Right. Just theorizing, that doesn't comport
7 with the SMART plan, right?

8 A. No. And that's why HR doesn't write it.

9 Q. Okay. You believe that during Ms. Noel's
10 employment she received feedback on her performance,
11 right?

12 A. Yes.

13 Q. Okay. And what kind of feedback did Ms. Noel
14 receive?

15 A. For instance, in the 2014 GPA comments, her
16 manager at the time stated, "Based upon my own
17 interactions with Cornelia, as well as feedback I've
18 received from others who have interacted with her,
19 Cornelia comes across heavy on advocacy and less on
20 inquiry, seeking to understand, and often displays a
21 know-it-all attitude. This can be offputting to people."

22 Q. Where are you reading from?

23 A. Page 1 of Exhibit 3 at the bottom.

24 Q. Okay. The middle bullet point?

25 A. Yes.

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1 Q. Okay.

2 A. It says, even above that it says, "Cornelia has
3 been unable to make an impact in the role, i.e., be able
4 to provide tangible results and support to the global
5 SURF projects. This is due in large measure to her
6 inability to create and sustain collaborative relations
7 with stakeholders.

8 Q. Okay. But in both of those points, and I think
9 we talked about this earlier, but these statements, they
10 do not comport with the SMART plan?

11 MS. MOXLEY: Objection, vague and
12 mischaracterizes the witness' prior testimony.

13 Q. (BY MR. AHMAD) Right?

14 A. These statements are quotes from her 2014 GPA,
15 which is her performance review.

16 Q. No, I understand that.

17 A. Which she would have seen.

18 Q. Right. No, I understand that. But these
19 statements, if they are put into a PIP, they would not be
20 sufficient. You need to be more specific on what the
21 employee is supposed to do, would you agree?

22 A. These would be useful as examples to describe
23 the under-performance that the manager has seen, but, you
24 are correct, they would not be in the goals section.

25 Q. Okay. All right. Because you state that you

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1 feel, or at least Shell can make the argument that
2 Ms. Noel has received more than enough feedback, right?

3 A. Yes.

4 Q. Okay. And so can you point me to any other
5 feedback that you think Ms. Noel received during her
6 employment?

7 A. The entire 2013 GPA, the 2012 GPA.

8 Q. The entire, the entire thing is feedback?

9 A. This is her performance review, which is, in
10 and of itself, feedback. And some of it is very clear on
11 some of the collaboration issues, et cetera.

12 Q. Where? Give me an example.

13 A. "In summary, top three areas for
14 improvement" --

15 Q. Where are you reading from?

16 A. Page 3.

17 Q. Uh-huh?

18 A. At the top box, "Take destructive feedback,
19 seeking to understand, and less of rebuttals."

20 Q. Whoa, whoa, whoa. Okay. "In summary,
21 three" --

22 A. "Deal with others with respect and avoid
23 display of superiority and know-it-all attitude. Take
24 opportunity of business activities to collaborate, even
25 when not invited. Pursue inclusion even when excluded

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1 through face-to-face engagement with peers and others,
2 less of e-mails, and improved e-mail communication
3 style."

4 Q. All right. So let's take these one by one.
5 How did Ms. Noel not fully take on the duties of the head
6 of subsea hardware discipline?

7 MS. MOXLEY: Objection, no showing of
8 personal knowledge.

9 A. I do not know.

10 Q. (BY MR. AHMAD) You can't tell from that
11 language, right?

12 A. No. I don't even know what the head of subsea
13 hardware discipline really means.

14 Q. Okay. All right. Next point, "Take
15 constructive feedback, seeking to understand and less of
16 rebuttals." What does that mean?

17 A. Those are the areas that Cornelia needs to
18 improve upon.

19 Q. Okay. How was she deficient in those areas?

20 MS. MOXLEY: Objection, no showing of
21 personal knowledge.

22 A. I personally have never witnessed that, so I
23 don't know specifically what happened in 2013 --

24 Q. (BY MR. AHMAD) Okay.

25 A. -- to make her manager write that.

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1 Q. All right. So if you can't understand it,
2 Ms. Noel wouldn't be able to understand it, just looking
3 at that language, either, right?

4 MS. MOXLEY: Objection, argumentative.

5 A. I would disagree with that, because in 2013, I
6 wasn't even employed by Shell, whereas, Ms. Noel was
7 employed by this manager working on these projects, so I
8 would assume that she would understand what was written
9 in her performance review.

10 Q. (BY MR. AHMAD) Okay. But when it comes to
11 counseling, you're not supposed to assume, you're
12 supposed to be specific. We talked about that earlier.
13 And that's why you want specific feedback given to an
14 employee, so there is no misunderstanding. "This is
15 where the deficiency is, this is where you have to
16 improve," right?

17 A. I think --

18 MS. MOXLEY: Objection, argumentative.

19 A. I think that this is pretty specific. "Take
20 constructive feedback." That's an area of improvement.

21 Q. (BY MR. AHMAD) And how was she not taking
22 constructive feedback?

23 MS. MOXLEY: Objection, no showing of
24 personal knowledge, and asked and answered.

25 Q. (BY MR. AHMAD) You can't tell from this

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1 language, right?

2 A. From the one sentence, I can't tell what
3 happened throughout all of 2013.

4 Q. Well, that's my point. You state that "Shell
5 can make the argument that Ms. Noel has received more
6 than enough feedback," but you can't point to any
7 specific feedback that Ms. Noel has gotten, can you?

8 MS. MOXLEY: Objection, argumentative and
9 mischaracterizes the witness' testimony.

10 Q. (BY MR. AHMAD) Can you point me to any
11 specific feedback that Ms. Noel received that you're
12 referencing when you make that statement?

13 MS. MOXLEY: Objection, asked and
14 answered.

15 A. "Take constructive feedback."

16 Q. (BY MR. AHMAD) You think that's specific?

17 A. Yes.

18 Q. Okay. Then if it's specific, then tell me:
19 What was Ms. Noel supposed to do differently?

20 A. Take constructive feedback.

21 Q. What was she supposed to do differently?

22 A. Take constructive feedback.

23 Q. All right. How was she not doing that?

24 MS. MOXLEY: Objection, no showing of
25 personal knowledge.

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1 A. I, personally, have no knowledge.

2 Q. (BY MR. AHMAD) Wait. But --

3 A. I think that feedback is clear. I don't
4 have --

5 Q. But you're saying --

6 A. -- specific --

7 Q. -- you have personal knowledge.

8 MS. MOXLEY: Objection --

9 Q. (BY MR. AHMAD) You're saying that "Shell can
10 make the argument that Ms. Noel has received more than
11 enough feedback." Those are your words, right? You
12 wrote the e-mail?

13 A. Yes.

14 Q. Okay. So you're saying, "I have personal
15 knowledge that Ms. Noel has received more than enough
16 feedback," right?

17 MS. MOXLEY: Objection, mischaracterizes
18 the document, asked and answered.

19 Q. (BY MR. AHMAD) Isn't that what you're saying
20 in here?

21 MS. MOXLEY: You're harassing my witness.

22 A. No.

23 MS. MOXLEY: You've asked this question
24 several times and she's answered it. I know you don't
25 like her answer, but she has answered it.

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1 Q. (BY MR. AHMAD) Isn't that what you're saying
2 there? Aren't you representing that you have personal
3 knowledge that Ms. Noel has received more than enough
4 feedback?

5 MS. MOXLEY: Objection, asked and
6 answered.

7 Q. (BY MR. AHMAD) No? I'm sorry. What was your
8 answer? You can answer.

9 A. Can you repeat the question? I'm a little
10 unclear as to what it is at this point.

11 Q. You are representing in your e-mail that is
12 Exhibit 1 that you do have personal knowledge that
13 Ms. Noel has received more than enough feedback, right?

14 MS. MOXLEY: Objection, mischaracterizes
15 the document, asked and answered.

16 Q. (BY MR. AHMAD) Is that right?

17 A. What I am stating in Exhibit 1 is that based on
18 the documentation that I saw through both the GPAs and in
19 various e-mails that I reviewed that I believe that
20 Ms. Noel had received a lot of feedback on her
21 performance.

22 Q. Okay.

23 MR. AHMAD: I'm going to object as
24 nonresponsive.

25 Q. (BY MR. AHMAD) My question is a little

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1 different. I'm not talking about a lot or -- let's be
2 very clear. In your e-mail that is Exhibit 1 you are
3 representing that you have personal knowledge that
4 Ms. Noel has received more than enough feedback to
5 warrant termination?

6 MS. MOXLEY: Objection, mischaracterizes
7 the document, asked and answered multiple times.

8 Q. (BY MR. AHMAD) True or false?

9 MS. MOXLEY: Same objection.

10 A. I believe I've already answered this question.

11 Q. (BY MR. AHMAD) Okay. I don't believe so. And
12 so your lawyer's made the objection, okay, and now you
13 can answer my question.

14 Are you representing in Exhibit 1 that you
15 have personal knowledge that Ms. Noel has received more
16 than enough feedback to warrant termination?

17 MS. MOXLEY: Objection, asked and
18 answered.

19 Q. (BY MR. AHMAD) Yes or no?

20 MS. MOXLEY: Same objection.

21 A. I don't understand what you're getting at. I
22 told you what I'm saying in this statement.

23 Q. Well, then I'll rephrase. Okay? We'll work
24 through it.

25 A. Okay.

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1 Q. Aren't you stating in your e-mail that you have
2 personal knowledge of the feedback that Ms. Noel has
3 received?

4 MS. MOXLEY: Objection, asked and
5 answered, mischaracterizes the document.

6 A. I am saying that there is written documentation
7 that I had seen that shows that Ms. Noel received
8 feedback.

9 Q. (BY MR. AHMAD) Okay. And so when you say that
10 "I don't have personal knowledge," that's not true,
11 because you did have personal knowledge. You looked at
12 all the documentation. We talked about that earlier,
13 right?

14 MS. MOXLEY: Objection, mischaracterizes
15 the witness' prior testimony.

16 A. What I said before is that I see these
17 statements that she has been given feedback because I
18 know that this is a performance review that she has seen.

19 Q. (BY MR. AHMAD) Uh-huh.

20 A. However, I don't know exactly -- I can't
21 provide you specific examples of times where Ms. Noel did
22 not take constructive feedback, for instance, because I
23 was not there in her conversations with her manager in
24 2013.

25 Q. Okay. Let's not --

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1 A. So, in that way, I don't have personal
2 knowledge.

3 Q. Okay. Without personal knowledge and without
4 investigating these issues, why would you just simply
5 recommend termination?

6 MS. MOXLEY: Objection, asked and
7 answered.

8 A. I explained before that the reason why I
9 recommended termination in this case is because, based
10 upon the e-mail documentation that I had seen, I thought
11 that was the most appropriate level of discipline, and
12 the reason why I did not suggest a performance
13 improvement plan was because I did not believe that,
14 based on what I had seen, there was any hope of a
15 performance improvement plan being successful, because,
16 as I said before, I believe that the first two things
17 that you need to have are the employee taking personal
18 responsibility for their role in the under-performance
19 and also wanting to improve.

20 Q. (BY MR. AHMAD) Okay. Well, let me just make
21 sure that I'm clear, okay, because Shell has guidelines
22 that y'all are supposed to follow, right?

23 MS. MOXLEY: Objection, vague.

24 A. We have guidelines available to help us make a
25 decision on how to address a case.

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1 Q. (BY MR. AHMAD) And how to counsel an employee,
2 right, and discipline an employee, right?

3 A. Yes.

4 Q. Okay. And you're representing that with
5 everything you've seen that you're comfortable that the
6 guidelines were followed, is that a fair statement?

7 A. I am comfortable that we acted appropriately.

8 MR. AHMAD: I'm going to object as
9 nonresponsive.

10 Q. (BY MR. AHMAD) You are saying that you're
11 comfortable that the guidelines that Shell provides were
12 followed?

13 MS. MOXLEY: Objection, vague.

14 A. If you're saying that we followed every single
15 step in the guideline, then the answer would be no,
16 because we did not follow every single step in the
17 guideline because I assumed that Alyssa and the other
18 people that ultimately decided the end result of this
19 action agreed that it was not -- that the action was
20 appropriate considering the circumstances.

21 Can we take a break?

22 MR. AHMAD: I'm going to object as
23 nonresponsive.

24 Q. (BY MR. AHMAD) Yeah, we can take a break in
25 just a minute --

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1 A. Okay.

2 Q. -- but I'm almost done with this line of
3 questioning. Now, when you talk about that you can make
4 these arguments that Ms. Noel has received more than
5 enough feedback, you are referring to Shell's guidelines
6 in that regard; correct?

7 MS. MOXLEY: Objection, vague, and
8 objection, mischaracterizes the document.

9 A. No.

10 Q. (BY MR. AHMAD) What were you referring to
11 there when you state that Shell can make the argument
12 that she's received more than enough feedback?

13 A. I am stating that I had seen that she had
14 received a lot of feedback, which is the intent of, say,
15 a performance improvement plan, at least part of the
16 intent.

17 Q. Okay. All right.

18 MR. AHMAD: Yeah, we can take a break.

19 (Brief recess from 1:04 p.m. to 1:11 p.m.)

20 (Exhibit No. 7 marked for identification.)

21 Q. (BY MR. AHMAD) Okay. Ms. Rogers, are you
22 ready to proceed?

23 A. Yes.

24 Q. Okay. You've been handed Exhibit 7 to your
25 deposition. Do you recognize that document?

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1 A. Yes.

2 Q. Okay. We talked about this earlier. This is
3 the Complainant Affidavit that Ms. Noel had created
4 talking about her concerns?

5 A. Yes.

6 Q. Okay. When you were looking at the
7 documentation, putting together your discipline summary,
8 you don't know what other documentation relating to
9 Ms. Noel's performance was out there, right?

10 A. Go.

11 Q. You just looked at the documentation that was
12 given to you, right?

13 A. Yes. And what was in Shell People, our system,
14 which would be these GPA --

15 Q. Right.

16 A. -- write-ups.

17 Q. And so you had access to get into the Shell
18 system and look at the annual performance evaluations?

19 A. Yes.

20 Q. Right. And then you looked at the
21 correspondence and other documentation that was given to
22 you, right?

23 A. Yes.

24 Q. But when you put together the discipline
25 summary, and even sitting here today, you don't know what

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1 other documents are out there that reflect Ms. Noel's job
2 performance, right?

3 A. That's correct.

4 Q. Okay. And so you don't know if there are other
5 e-mails that Ms. Noel wrote back to management that you
6 did not get a chance to see, right?

7 A. Yes.

8 Q. Okay. Did you ever consider contacting
9 Ms. Noel and asking her whether there are any other
10 relevant documents that you ought to review?

11 MS. MOXLEY: Objection, asked and
12 answered.

13 A. No.

14 Q. (BY MR. AHMAD) Why not?

15 A. Because that would be an investigation, and I
16 was not investigating this concern or this case.

17 Q. Okay. You did not view this as an
18 investigation?

19 A. Not for me, no.

20 Q. Okay. What did you view it as?

21 MS. MOXLEY: Objection, asked and
22 answered.

23 A. Synthesizing and summarizing documents.

24 Q. (BY MR. AHMAD) Okay. So, what, a task or an
25 assignment?

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1 A. Yes. A project.

2 Q. A project. Okay. And so based upon the
3 project that you completed, you made a recommendation on
4 termination?

5 A. Yes.

6 Q. All right. Typically, within Shell,
7 termination recommendations are not made until there is
8 an investigation that's done, is that fair?

9 MS. MOXLEY: Objection, vague, and
10 objection, lack of personal -- lack of showing of
11 personal knowledge.

12 Q. (BY MR. AHMAD) Well --

13 A. I can't speak generally for typically at Shell.

14 Q. Sure. Sure. Let me just address that. You
15 understand that termination decisions are not made
16 lightly at Shell?

17 A. Yes.

18 Q. Okay. And if there is going to be a
19 termination recommendation made, that will typically
20 follow an investigation, is that right?

21 MS. MOXLEY: Objection, vague; objection,
22 lack of showing of personal knowledge.

23 A. It totally depends on each individual case.

24 Q. (BY MR. AHMAD) Okay. So sometimes there is an
25 investigation that gives rise to a termination decision;

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1 other times, there is not?

2 A. Yes.

3 Q. Okay. And that's the case with your
4 recommendation for Ms. Noel's termination, it was one of
5 those cases that a recommendation was made without an
6 investigation, right?

7 MS. MOXLEY: Objection, vague; objection,
8 mischaracterizes witness' testimony.

9 A. I was under the impression, your last question,
10 that when you said a termination recommendation you meant
11 actually terminating an employee. I see there as being a
12 difference between actually terminating the employee and
13 recommending that as a potential course of action.

14 MR. AHMAD: Okay. I'm going to object as
15 nonresponsive.

16 Q. (BY MR. AHMAD) I understand what you're
17 saying, but my question is simply that the recommendation
18 that you made, that recommendation came without an
19 investigation.

20 A. Without me personally investigating, yes.

21 Q. Okay. Well, and it came without an
22 investigation at all, because you didn't even look at any
23 other investigation when you recommended termination, you
24 just looked at a set amount of documents that were handed
25 to you.

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1 A. Yes. Which did include an investigation
2 summary from the complaint that Ms. Noel put in Nigeria,
3 but beyond that, yes.

4 Q. Okay. All right. Why were you sent an
5 original version of the complaint that's reflected on
6 Exhibit 7?

7 A. Why was I sent the e-mail on February 25th?

8 Q. Correct.

9 A. I don't necessarily recall specifics, but I
10 believe it was for me to read through and see if there
11 is anything that I needed to add to my time line,
12 additional context, perhaps, of some of the e-mails,
13 et cetera.

14 Q. Did you read the document after it was sent to
15 you, do you recall?

16 A. Yes.

17 Q. Did you make any revisions to your time line
18 after you received the document?

19 A. I don't remember.

20 Q. All right. In the investigation summary, we
21 were previously talking about any specific feedback that
22 Ms. Noel was given that you've referenced in your
23 statement on Exhibit 1. Can you point me to any other
24 specific feedback in the document other than the three
25 bullet points you mentioned before?

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1 A. Previously, I mentioned the various comments in
2 the 2014 GPA. On Page 6 of the document under
3 "Employee's discipline history," the first row says,
4 "Jane Zhang coaches Cornelia on her poor behaviors,
5 including her behaviors during their meeting where she
6 spent most of the meeting looking at the computer."

7 Q. Do you know what Ms. Noel was doing looking at
8 the computer?

9 A. No.

10 Q. What was she supposed to be doing instead of
11 looking at her computer?

12 MS. MOXLEY: Objection, lack of showing
13 personal knowledge.

14 Q. (BY MR. AHMAD) Do you know?

15 A. No.

16 Q. Okay. All right. Anything else?

17 A. Are you asking me to provide additional
18 examples?

19 Q. Uh-huh.

20 A. On the next bullet, "Robert Chin provides
21 Cornelia with feedback from her communication skills
22 during the 2011 mid year review." Further down, on
23 May 8th, "Robert Chin coaches Cornelia to communicate
24 with stakeholders and to not jump to negative
25 conclusions."

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1 Q. What negative conclusions did Ms. Noel jump to?

2 MS. MOXLEY: Objection, lack of showing
3 personal knowledge.

4 A. I do not know.

5 Q. (BY MR. AHMAD) And how did Ms. Noel not
6 communicate with stakeholders?

7 MS. MOXLEY: Objection, lack of showing
8 personal knowledge.

9 A. I do not know.

10 Q. (BY MR. AHMAD) Then how do you know that that
11 was sufficient feedback for Ms. Noel to warrant
12 termination?

13 A. It is my opinion that it was.

14 Q. Okay. Based on just your speculation?

15 A. Based on reading the e-mails and seeing what
16 the e-mails said, that was my opinion.

17 Q. Well, you summarized the e-mails, right,
18 sometimes?

19 A. Yes.

20 Q. There is no summary of the feedback given on
21 those two examples, right?

22 A. I did not put it in the summary performance
23 issue.

24 Q. Okay. So it's fair to say that you may not
25 know what the specific performance issue was with respect

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1 to those points, right?

2 MS. MOXLEY: Objection, argumentative.

3 A. I do not know now. I clearly understood what I
4 meant two years ago, but I don't recall, because I don't
5 remember, specifically, what it said in the e-mail.

6 Q. (BY MR. AHMAD) Okay. Any other specific
7 instances of feedback that you believe Ms. Noel received
8 that would warrant termination?

9 A. Every single one of these examples in the
10 employee discipline history, the reason why I included it
11 in there is because I felt that it was an example of her
12 being given feedback. I can't remember all of the
13 specifics. In retrospect, I probably should have put
14 more of them in the summary, but I did not.

15 Q. Did you know that one of Ms. Noel's primary
16 concerns was that her performance was being attacked, but
17 she wasn't given any specifics?

18 A. I don't recall that.

19 Q. Okay. You do recall that in Ms. Noel's
20 statement that you were provided a copy of in February --
21 by the way, did you have this statement when you put
22 together the discipline summary?

23 A. I don't recall.

24 Q. Okay. You do understand that within the
25 statement Ms. Noel refutes the claims that are made about

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1 her performance, right? You understood that when you
2 read it?

3 A. What page are you looking at?

4 Q. Well, just go to page -- on the bottom right it
5 should be 3091, Shell 3091. Do you see that?

6 A. Yes.

7 Q. So I'm just looking at the bottom, Point A,
8 "False Claim No. 7. Top areas for improvement."
9 Ms. Noel goes through in very explicit detail and refutes
10 the attacks that have been made on her performance over
11 the years, right?

12 MS. MOXLEY: Objection, mischaracterizes
13 the document.

14 Q. (BY MR. AHMAD) Isn't that what's going on
15 here?

16 MS. MOXLEY: Same objection.

17 Q. (BY MR. AHMAD) Or did you not read it in that
18 much detail?

19 A. I don't know because it was two years ago.

20 Q. Okay. Fair enough. This is not a document
21 that you reviewed to prepare for your deposition?

22 A. I saw it, but I did not read it word for word.

23 Q. All right. And why did you see it?

24 MS. MOXLEY: Objection. You're getting
25 into attorney/client information. So I'll instruct you

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1 not to answer.

2 MR. AHMAD: Oh, is Ms. Snider a lawyer?

3 MS. MOXLEY: Oh, why did she see it when?

4 MR. AHMAD: In February of 2015.

5 MS. MOXLEY: Okay. You can answer.

6 Q. (BY MR. AHMAD) Why was this given to you?

7 A. Oh, I've said before that I think the
8 purpose -- I think, from what I remember, the purpose was
9 for me to review it and see if there was any additional
10 context I needed to add to my time line.

11 Q. Okay. Did you assist at all in investigating
12 any of Ms. Noel's concerns?

13 A. My only -- my only -- the only thing I did as
14 part of the investigation is as a scribe, to take notes
15 at, you know, two meetings, act as a scribe.

16 (Exhibit No. 8 marked for identification.)

17 Q. (BY MR. AHMAD) All right. Ms. Rogers, that is
18 Exhibit 8 to your deposition. Do you recognize that
19 document?

20 A. Yes.

21 Q. Do you know why you were provided a copy of
22 this in March of 2015?

23 A. Yes. I believe that Jamie had not previously
24 sent this information, so she was sending it to make sure
25 that Alyssa and I were aware of it.

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1 Q. Okay. All right. If you look on the second
2 page, there is an e-mail from Debo on June 17th, 2014 at
3 8:37, do you see that?

4 A. Yes.

5 Q. Who is that that he's writing to? Do you know
6 how to pronounce that?

7 A. No.

8 Q. Okay.

9 A. I believe, based on context, that it would have
10 been another stakeholder in Nigeria. "SNEPCO" means
11 Nigeria.

12 Q. Okay. All right. And Debo states, "Seeking
13 your concurrence; I'm looking at a transfer IPF of .8 or
14 .9 for Cornelia," do you see that?

15 A. Yes.

16 Q. Okay. What does that mean?

17 A. When an employee transfers between countries,
18 they need to get an IPF for the period of the year that
19 they worked in the other country.

20 Q. Okay.

21 A. And that's what they are trying to determine.

22 Q. All right. And Jerry Jackson, according to the
23 most recent e-mail before it's forwarded to you, says
24 that it looks like they must have gone with .8, right?

25 A. Yes.

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1 Q. All right. So for the first half of 2014,
2 Ms. Noel got a .8?

3 A. Yes. The transfer IPF was .8 --

4 Q. Okay.

5 A. -- as this document indicates. I don't know if
6 that necessarily was the case because --

7 Q. Well, you don't have any reason to believe
8 differently, right?

9 A. Yeah, I don't have any reason to believe
10 differently.

11 Q. Okay. And for the year of 2014, for the entire
12 year, Ms. Noel received a .5?

13 A. That is correct.

14 Q. How is that possible? How did that happen, do
15 you know?

16 A. IPFs are just determined every year in the
17 departments. We call them IPR sessions. So it's an
18 individual performance, like, review session where every
19 employee's performance is ranked comparative to their
20 peers within the department and assigned an appropriate
21 IPF.

22 Q. All right. Well, if Ms. Noel had a .8 for the
23 first half of the year, how did she end up with a .5 for
24 the entire year?

25 MS. MOXLEY: Objection, lack of showing

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1 personal knowledge.

2 Q. (BY MR. AHMAD) Doesn't that sound odd?

3 MS. MOXLEY: Objection, argumentative.

4 A. On your first question, I wasn't at the IPR
5 session for this department, so I can't really speak to
6 specifically why she was given a .5.

7 Q. (BY MR. AHMAD) Okay.

8 A. However, for greater context, transfer IPFs
9 are -- there is no budget. You can give anyone -- well,
10 during our normal IPR sessions, all the IPFs for the
11 department need to average to a particular number, which,
12 you know, puts constraints and makes it -- while transfer
13 IPFs, there is no constraints.

14 So, typically, I would -- typically,
15 transfer IPFs are higher than end-of-year IPFs, for that
16 reason.

17 Q. Doesn't that strike you as odd that .8 for the
18 first half of the year would lead to a .5 for the entire
19 year?

20 MS. MOXLEY: Objection, argumentative.

21 A. I would say I'm not surprised that the transfer
22 IPF is higher than the end-of-year IPF, for the reasons I
23 just stated, and I can't specifically speak to why she
24 was given a .5.

25 Q. (BY MR. AHMAD) Okay. Is .8 -- can you tell

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1 whether .8 shows good performance or bad performance or
2 average performance, or do you have no way of knowing
3 based on just that one score?

4 A. It would be difficult to say based on that one
5 score.

6 Q. Did you talk to anybody in Nigeria to determine
7 what the .8 represented?

8 A. No.

9 Q. Okay. What did you think when you received
10 that?

11 A. Nothing. It's not terribly surprising.

12 Q. Okay.

13 (Exhibit No. 9 marked for identification.)

14 Q. (BY MR. AHMAD) All right. Ms. Rogers, that is
15 Exhibit 9 to your deposition. Exhibit 9 is an e-mail
16 chain, right?

17 A. Yes.

18 Q. Let's look at the second-most-recent e-mail.
19 It's an e-mail from Ms. Snider to IB and CCing you?

20 A. Yes.

21 Q. All right. Ms. Snider states, "IB, please
22 confirm you'll be able to get us the information
23 tomorrow. We are trying to prepare for a conversation
24 with her prior to the launch of MOR." Did I read that
25 correctly?

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1 A. Yes.

2 Q. Okay. What information were y'all waiting on?

3 A. We were waiting -- in the bottom e-mail, Alyssa
4 is asking IB for any documents that he has related to
5 Cornelia's performance history and asks to have them by
6 January 7th. By January 6th we still hadn't heard back
7 from him, so she was asking again. That's how I
8 interpret this.

9 Q. Okay. So it's the documentation about her
10 performance history in Nigeria?

11 A. Yes.

12 Q. All right. When she states that y'all were
13 trying to prepare for a conversation with her, what was
14 the conversation that y'all were preparing to have with
15 her?

16 A. I don't believe I was preparing to have a
17 conversation with her. I believe Alyssa was preparing to
18 have a conversation with her, so I can't say for certain.
19 But it does say something about "MOR," so that's the only
20 guess I have.

21 Q. All right. Was that the conversation that
22 Ms. Snider was preparing to have to terminate Ms. Noel?

23 MS. MOXLEY: Objection, asked and
24 answered; objection, lack of showing a personal
25 knowledge.

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1 Q. (BY MR. AHMAD) I mean, this is six days after
2 you provided your recommendation to terminate, right?

3 A. Yes.

4 Q. Based on the performance documentation that she
5 had given to you previously?

6 A. Yes.

7 Q. And she states that she is waiting on
8 additional performance documentation and that she was
9 preparing to have a conversation with her, right?

10 A. Yes.

11 Q. You've mentioned "MOR." What does that mean,
12 that "prior to the launch of MOR"?

13 MS. MOXLEY: Objection, lack of showing a
14 personal knowledge.

15 A. I don't know what Alyssa was specifically
16 planning on discussing with Cornelia at that meeting
17 because I was not present.

18 Q. (BY MR. AHMAD) Okay.

19 MR. AHMAD: I'm going to object as
20 nonresponsive.

21 Q. (BY MR. AHMAD) What does that mean, "prior
22 to the launch" or "the launch of MOR"? What does that
23 mean?

24 A. "Launch of MOR" would be the first day that the
25 job postings were posted on MOR, when all the jobs that,

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1 you know, Cornelia could potentially be applying on would
2 be visible.

3 Q. Okay. Do you know why Ms. Snider was trying to
4 have the conversation with Ms. Noel before the launch of
5 MOR?

6 A. No.

7 Q. Can you think of a reason why?

8 MS. MOXLEY: Objection, calls for
9 speculation.

10 A. Yeah. I -- no.

11 Q. (BY MR. AHMAD) You can't think of any reason
12 why she would want to do it?

13 A. I don't know what Alyssa's intent in having the
14 meeting was.

15 Q. No, I'm not asking for intent.

16 A. So then I can't speculate because I really have
17 no idea what the intent was, so I can't speculate why it
18 was on that day.

19 Q. No. Can you think of any reason why she would
20 want to have the conversation before the launch of MOR?

21 A. No.

22 Q. Can you think about why the launch of MOR might
23 be significant?

24 MS. MOXLEY: Objection, calls for
25 speculation.

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1 A. If Cornelia was applying for jobs, that would
2 make the launch of MOR important for her, but I don't
3 know how that ties into this particular conversation.

4 Q. (BY MR. AHMAD) Okay. You would say it's a
5 fair interpretation that Ms. Snider was going to let
6 Ms. Noel know that she was being let go, right?

7 MS. MOXLEY: Objection, argumentative.

8 A. No, I would actually take the exact opposite
9 approach. Because if Ms. Noel was preparing to apply for
10 MOR, hence, why part of the launch of MOR was important,
11 then she would not be terminated, she would be looking
12 for another job.

13 Q. (BY MR. AHMAD) Okay. I think I understand
14 what you're saying. So a fair interpretation is that
15 Ms. Noel was going to be told that she was no longer
16 going to have per position, but she should get on the MOR
17 and see what jobs were out there?

18 MS. MOXLEY: Objection, argumentative.

19 Q. (BY MR. AHMAD) Does that seem to be a fair
20 interpretation of the document?

21 MS. MOXLEY: Objection, argumentative,
22 calls for speculation, lack of showing a personal
23 knowledge.

24 A. No, I wouldn't say that's fair, because I have
25 no idea what the meeting was about, what had been

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1 communicated to Cornelia, what was going to be
2 communicated to Cornelia.

3 Q. (BY MR. AHMAD) But you're copied on the
4 e-mail.

5 A. Yes.

6 Q. And y'all weren't talking?

7 A. I was copied on the e-mail because I was the
8 one that was waiting for the documents from IB.

9 Q. Okay.

10 A. So by copying me, I believe the idea would be
11 that IB would reply all with the documents and cut out
12 the middleman.

13 Q. Got you.

14 (Exhibit No. 10 marked for
15 identification.)

16 Q. (BY MR. AHMAD) All right. Ms. Rogers, that is
17 Exhibit 10 to your deposition. It's an e-mail from
18 Ms. Allen to Alyssa Snider and yourself; correct?

19 A. Yes.

20 Q. All right. It's a forward of an earlier e-mail
21 chain?

22 A. Yes.

23 Q. Okay. Do you know why you were provided this
24 in March of 2015?

25 A. I believe it would be the same reason as

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1 Exhibit 8, that Jamie had not provided us these documents
2 before, so she was sending it to Alyssa and I to make
3 sure that we were aware.

4 Q. All right. And if you look on the third page,
5 the date of the e-mail actually will be on the second
6 page, but --

7 MS. MOXLEY: I think you have to go back
8 to the first page for the date.

9 THE WITNESS: Yeah.

10 MR. AHMAD: Yeah.

11 Q. (BY MR. AHMAD) Ms. Noel writes to IB in
12 February of 2014, right?

13 A. Yes.

14 Q. On the third page Ms. Noel states that, "This
15 is a result of gender bias and bullying that's continuing
16 to go on, is that right?

17 MS. MOXLEY: Where are you?

18 THE WITNESS: I think the top here.

19 A. "The way in which this matter is being dealt
20 with suggests gender bias" --

21 MR. AHMAD: Third page.

22 MS. MOXLEY: Third page.

23 A. -- and bullying."

24 Q. (BY MR. AHMAD) Did you read this when you
25 received it?

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1 A. Yes.

2 Q. Okay. Did you have a discussion with anybody
3 in Human Resources or did you have a discussion with
4 anybody at Shell about the content of Exhibit 10?

5 A. I don't believe so.

6 Q. All right. Why not?

7 A. If I was the one investigating this case, I
8 would have taken further actions; however, Alyssa was
9 investigating this and she also received it.

10 Q. Well, Alyssa, you're referring to
11 Alyssa Snider?

12 A. Yes.

13 Q. Yes. Ms. Snider involved you in the
14 investigation, right?

15 A. Only in one or two or so meetings as a scribe.
16 I would not characterize that as a deep involvement, by
17 any means.

18 Q. Recommending termination is not a deep
19 involvement?

20 MS. MOXLEY: Objection, argumentative.

21 A. I was asked to summarize documents, and I
22 provided recommendation, as I said before, because that
23 was in the template that I was provided.

24 Q. (BY MR. AHMAD) By Ms. Snider?

25 A. Yes.

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1 Q. Okay. And so Ms. Snider was asking you for a
2 recommendation on Ms. Noel's employment, right?

3 A. She did not specifically ask me for a
4 recommendation. She asked me to summarize and organize
5 the documents. I took it upon myself to add a
6 recommendation. And the reason I did that was because it
7 was in the template.

8 Q. And you followed the template?

9 A. Yes.

10 Q. And you did that because Ms. Snider wanted you
11 to follow the template?

12 MS. MOXLEY: Objection, lack of showing
13 personal knowledge.

14 A. I did that because it was easiest to just
15 follow the template.

16 Q. (BY MR. AHMAD) Well, that's the template that
17 Ms. Snider provided you, right?

18 A. Yes.

19 Q. Okay. I think I asked you earlier, but do you
20 know why Ms. Noel was ultimately terminated?

21 A. Not specifically.

22 Q. Did you ever hear that Ms. Noel's position was
23 eliminated?

24 A. I don't recall.

25 Q. Okay. Did you know what Ms. Noel's position

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1 was at the time?

2 A. She was global SURF projects lead.

3 Q. What does that mean? Do you know what she did
4 as global SURF projects lead?

5 A. I don't recall. I believe I had a better
6 understanding at the time, but I can't say specifically
7 what that means.

8 Q. Did you ever reach a conclusion based upon your
9 own investigation whether Ms. Noel was discriminated
10 against or retaliated against?

11 A. Based upon my reading of the documents, I did
12 not believe that there was evidence to show that. Of
13 course, that doesn't mean that it doesn't exist. Based
14 on what I saw, I didn't believe that I had seen evidence
15 to show that.

16 Q. Okay. So the evidence might have existed, you
17 just didn't see it?

18 A. That is possible.

19 Q. Okay. And so let's make sure that we are on
20 the exact same page here, because this is an important
21 question.

22 Did you personally investigate whether
23 Ms. Noel was discriminated against or retaliated against?
24 And just so we're clear, when I talk about investigate,
25 I'm referring to the standard protocol that you described

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1 earlier as far as investigation. Interviewing witnesses,
2 you know, looking at all the relevant documents. I think
3 we have talked numerous times that the documents that you
4 looked at in order to prepare your discipline summary,
5 that was not an investigation, right?

6 A. Correct.

7 Q. Okay.

8 A. So, no, I did not investigate it.

9 Q. Okay. So just so the record is clear, I'm
10 going to rephrase my question in just a second.

11 A. Okay.

12 Q. But you would expect that before an employee is
13 terminated that if there are allegations of performance
14 issues that those allegations would be investigated,
15 right? In other words, a manager comes and just says
16 that there are performance issues, that's not going to do
17 it in and of itself. Human Resources is going to want a
18 little bit more than that, fair?

19 MS. MOXLEY: Objection, vague and
20 ambiguous.

21 MR. AHMAD: That was kind of vague.

22 MS. MOXLEY: I mean, I'm not even sure
23 what the question was.

24 MR. AHMAD: It was. Yeah, I'm going to --

25 A. I would say that performance issues are --

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1 MS. MOXLEY: Hang on.

2 Q. (BY MR. AHMAD) Yeah, don't even try to answer
3 it. You don't know what you're answering, so I'm going
4 to rephrase it.

5 Well, let's set aside the performance
6 issues. If an employee reports that they feel like they
7 are being discriminated against and/or retaliated
8 against, in order to make a determination about whether
9 those allegations are true or not, from a Human Resources
10 perspective, the allegations should be investigated in
11 accordance with the protocol that you mentioned earlier,
12 right?

13 A. Correct.

14 Q. Okay. And so, from a Human Resources
15 perspective, you would not want to see any kind of
16 conclusion on those allegations until an investigation
17 has been done, a real investigation, right?

18 A. I would not want any action taken until an
19 investigation has been done.

20 Q. What do you mean by that, "action taken"?

21 A. I would not want discipline to be enacted
22 without a formal investigation.

23 Q. And when you talk about discipline in this
24 context, you're talking about discipline against the
25 person who is accused of discriminating and/or

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1 retaliating, right?

2 A. Either. Either party.

3 Q. Okay.

4 A. So you say --

5 Q. Yeah.

6 A. I think I already answered the question.

7 Q. You would want to see, if there is a report of
8 discrimination and/or retaliation from a Human Resources
9 perspective, you would want to ensure that those
10 allegations are investigated, right?

11 A. Yes.

12 Q. Okay. You would not feel comfortable if
13 allegations were made and they were just never
14 investigated? That would be bad?

15 A. That is correct.

16 Q. All right. And so, from your perspective, you
17 know that Ms. Noel raised allegations of discrimination
18 and/or retaliation?

19 MS. MOXLEY: Objection, vague.

20 Q. (BY MR. AHMAD) Right? I mean, sitting here
21 today, you know that, based on everything you've seen in
22 the documents, right?

23 A. Based on the affidavit, et cetera.

24 Q. Yes.

25 A. Yes.

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1 Q. And not just as part of this lawsuit. I mean,
2 you knew that back at the time when Ms. Noel was still
3 employed at Shell, you knew that she had raised
4 allegations of discrimination and retaliation, right?

5 MS. MOXLEY: Objection, vague.

6 A. I had read the e-mails where she brings up
7 various concerns, yes.

8 Q. (BY MR. AHMAD) Okay. Were you aware that one
9 of the concerns that Ms. Noel raised was that her 2014
10 performance evaluation and her 2014 IPF were based on
11 impermissible discrimination and retaliation?

12 MS. MOXLEY: Objection, vague.

13 A. I don't recall.

14 Q. (BY MR. AHMAD) Okay. Can you tell me -- well,
15 so you, personally, never investigated Ms. Noel's
16 allegations of discrimination and retaliation, right?

17 MS. MOXLEY: Objection, asked and answered
18 several times.

19 A. No.

20 Q. (BY MR. AHMAD) Do you know who did?

21 MS. MOXLEY: Objection, asked and answered
22 several times.

23 A. Alyssa Snider.

24 Q. (BY MR. AHMAD) Okay. And you're certain of
25 that, that she investigated allegations of discrimination

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1 and retaliation raised by Ms. Noel?

2 MS. MOXLEY: Objection, asked and
3 answered.

4 A. I am certain that she investigated concerns. I
5 can't speak to what specific concerns, but I have faith
6 that she would have investigated all concerns that had
7 been brought to her attention.

8 Q. Okay. Let's take faith and throw it out the
9 window.

10 A. Yeah. So I can't -- I don't know for sure
11 that, yes, she investigated claims of XYZ --

12 Q. Okay.

13 A. -- but I know she did investigate --

14 Q. Something.

15 A. Yes.

16 Q. Okay. Well, let's -- yeah, we don't want to
17 deal with something and we don't want to deal with faith
18 or speculation. I just want your personal knowledge.
19 And just so we're clear, I'm going to make this very
20 simple: Do you know who investigated -- do you have
21 personal knowledge of who investigated Ms. Noel's
22 complaints of discrimination and retaliation?

23 MS. MOXLEY: Objection, vague; objection,
24 asked and answered.

25 A. Again, I know that Alyssa Snider investigated

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1 concerns. What specific concerns were investigated, I do
2 not have personal knowledge of.

3 Q. (BY MR. AHMAD) Okay.

4 MR. AHMAD: And I would object as
5 nonresponsive.

6 Q. (BY MR. AHMAD) You made that very clear.

7 A. Yeah.

8 Q. But what I'm talking about are Ms. Noel's
9 specific complaints of discrimination and retaliation.

10 Do you know, can you give me a name, do
11 you know who investigated those allegations?

12 MS. MOXLEY: Objection, vague.

13 A. I believe I already answered this question that
14 Alyssa Snider investigated.

15 Q. (BY MR. AHMAD) Okay. So you're telling me
16 that Ms. Snider investigated Ms. Noel's claims of
17 discrimination and retaliation?

18 MS. MOXLEY: Objection --

19 Q. (BY MR. AHMAD) That's what you're saying under
20 oath?

21 A. I explained before that I don't know what
22 specific concerns she investigated.

23 Q. Okay.

24 A. So I can't -- if you're asking me -- I don't
25 have personal knowledge of what specific concerns were

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1 investigated.

2 Q. Okay.

3 A. I know there was an investigation that occurred
4 by Alyssa Snider. If you're asking me for "Do you 100
5 percent know that Alyssa Snider investigated claims of
6 discrimination," I cannot answer you.

7 Q. Okay.

8 A. Because I don't know.

9 Q. And I appreciate that, but Human Resources is
10 made up of more than just Alyssa Snider and yourself,
11 right?

12 A. Yes.

13 Q. Okay. So I'm not talking about just
14 Alyssa Snider. I'm talking about anybody. Okay?

15 So can you tell me the name of anybody who
16 investigated Ms. Noel's complaints of discrimination and
17 retaliation?

18 MS. MOXLEY: Objection, vague; objection,
19 asked and answered.

20 A. No.

21 Q. (BY MR. AHMAD) Okay. How do you know that
22 Ms. Snider investigated some concerns of Ms. Noel's?

23 A. Because I was a scribe in a meeting where
24 Alyssa and Jamie Allen were more or less interviewing
25 witnesses.

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1 Q. Okay. And so you know a general substance of
2 what they were investigating, what Ms. Snider was
3 investigating, right?

4 A. In the particular meeting that I sat in on was
5 about specifically the Nigeria time frame that Cornelia
6 was in Nigeria.

7 Q. Okay. Do you have personal knowledge of what
8 the results of Ms. Snider's investigation was?

9 A. No.

10 Q. All right. Did you ever ask?

11 A. I don't recall. But I believe that the only
12 thing I would have asked Alyssa would be more along the
13 lines of, "Do you need anything else from me on this
14 case?"

15 Q. Okay.

16 A. Which the answer was "No."

17 Q. All right. And so from a, from a Human
18 Resources perspective, you cannot testify under oath that
19 Shell's position is that Ms. Noel was not discriminated
20 against?

21 A. No.

22 Q. And you cannot testify under oath that Shell's
23 position is that Ms. Noel was not retaliated against?

24 A. No.

25 Q. In order to make that determination, there is

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1 more information that you would need in addition to what
2 you reviewed in putting together Exhibit 3?

3 A. That is correct.

4 Q. And there is more information that you would
5 need in addition to what you reviewed after you put
6 together Exhibit 3, right?

7 A. That's correct.

8 Q. In order to investigate, would you agree that
9 one of the key components to investigating is talking to
10 the person who is making the complaint?

11 A. Yes.

12 MS. MOXLEY: Objection, argumentative,
13 asked and answered.

14 Q. (BY MR. AHMAD) And would you agree that one of
15 the key components to an investigation is talking to the
16 person who is accused of the unlawful conduct?

17 MS. MOXLEY: Objection, asked and
18 answered.

19 A. Yes.

20 Q. (BY MR. AHMAD) All right. There are things
21 that you just cannot get from a document or an e-mail, is
22 that fair?

23 MS. MOXLEY: Objection, argumentative.

24 A. Body language, et cetera, yes.

25 Q. (BY MR. AHMAD) Okay. All right.

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1 MR. AHMAD: I'll pass the witness.

2 MS. MOXLEY: We reserve until the time of
3 trial.

4 MR. AHMAD: All right.

5 MS. MOXLEY: And we'll read and sign. I
6 think I said that earlier.

7 (Deposition concluded at 1:53 p.m.)

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Kelly Rogers
January 6, 2017

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CHANGES AND SIGNATURE

PAGE	LINE	CHANGE	REASON

Kelly Rogers
January 6, 2017

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1 I, KELLY ROGERS, have read the foregoing deposition
2 and hereby affix my signature that same is true and
3 correct, except as noted above.

4
5
6
7 _____
KELLY ROGERS

8
9
10 THE STATE OF TEXAS)
11 COUNTY OF _____)
12

13 Before me, _____, on this day personally
14 appeared _____, known to me to be the
15 person whose name is subscribed to the foregoing
16 instrument and acknowledged to me that they executed the
17 same for the purposes and consideration therein
18 expressed.

19 Given under my hand and seal of office this _____
20 day of _____, 2017.

21 _____
22 Notary Public in and for
23 The State of Texas
24
25

Kelly Rogers
January 6, 2017

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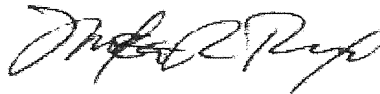
1 within 30 days from date of receipt of the transcript.

2 If returned, the attached Changes and Signature Page
3 contains any changes and the reasons therefore:

4 _____ was not requested by the deponent or a party
5 before the completion of the deposition.

6 I further certify that I am neither counsel for,
7 related to, nor employed by any of the parties or
8 attorneys in the action in which this proceeding was
9 taken, and further that I am not financially or otherwise
10 interested in the outcome of the action.

11 Certified to by me on this, the _____ day of
12 _____, 2017.

13
14
15
16
17 



18 MIKE R. RASKA, Texas CSR 1473
19 Date of Expiration: 12-31-18
20 Firm Registration No. 604
21 Raska Reporting
22 4008 Louetta Road, Suite 233
23 Spring, Texas 77388
24 (832) 998-0015
25

Raska Reporting
(832) 998-0015

Kelly Rogers
January 6, 2017

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1 COUNTY OF HARRIS)

2 STATE OF TEXAS)

3
4 I hereby certify that the witness was notified on
5 _____ that the witness has 30 days or
6 (____ days per agreement of counsel) after being
7 notified by the officer that the transcript is available
8 for review by the witness and if there are changes in the
9 form or substance to be made, then the witness shall sign
10 a statement reciting such changes and the reasons given
11 by the witness for making them;

12 That the witness' signature was/was not returned
13 as of _____.

14 Subscribed and sworn to on this, the _____ day
15 of _____, 2017

16
17
18
19 

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